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SOUTH AFRICA,

PAST AND PRESENT;

SHORT HISTORY OF THE EUROPEAN SETTLEMENTS AT THE CAPE.

BY

JOHN NOBLE,

Clerk of the House of Assembly of the Cape Colony.

37339

"Land of Good Hope! thy Future lies
Bright 'fore my vision as thy skies."—THOMSON.

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1877.

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To the Memory of my Brother,

RODERICK NOBLE,

This Volume is Dedicated.

"Denn ihm besiegen die gewaltigen Stunden
Doch fühl ich's wohl, was ich in ihm verlor."

— Schiller.

"For the strong hours conquer,
Yet still feel I deep what I have lost in him."

PREFACE.

COLONIAL HISTORY is apt to be regarded as uneventful. It is usually little more than a plain story of the progress of a new country, from the time of the arrival of the first handful of colonists, who set to work to subdue the earth and multiply and replenish it, until they finally succeed in reproducing around them the social aspects and the institutions of the old land whence they came.

To this ordinary rule these annals of South Africa may claim to be an exception. Upwards of two centuries of European occupation of the country not only afford materials for a record of colonial progress and prosperity and political development, but also furnish a number of episodes and incidents as diversified and remarkable, it will be seen, as any chronicled in the world's history.

The condition of the Cape Settlement in its early stage, when it was simply a Factory of the Dutch East India Company, has already been described with a masterly hand by the late Judge Watermeyer. I have contented myself with briefly sketching the main features of that period, and introducing some information respecting the Huguenot emigration, which I originally communicated to the *Cape Monthly Magazine*, in 1860.

My principal aim in this volume has been to give a continuous narrative of the progress of European colonization from the close of the past century down to the present time. In attempting to do so, I have endeavoured to avoid anything like a dry chronological detail of events, and have sought to present, in a connected view, all that is most noticeable in the Political History of the Colonies and States of South Africa.

These Colonies and States are now approaching a new and important epoch. The policy of Confederation, or Union of the European communities, recommended by Earl Carnarvon, is at present receiving the earnest attention of both the Imperial and Colonial Legislatures; and a distinguished officer of the Crown (Sir Bartle Frere, K.C.B., K.C.S.I.) has been appointed to the administration of affairs at the Cape, with the declared object of co-operating with

our foremost colonial statesmen, in removing, if possible, any local impediments standing in the way of its successful accomplishment.

I am hopeful that to those who are so engaged in considering the difficulties and solving the problems connected with the future government of the country, this *resumé* of the conditions of South Africa, Past and Present, may opportunely be of service; while to the rising generation of colonists it will supply the long-felt want of a succinct, yet tolerably full and reliable outline of the changes, political, social, and commercial, which have taken place in "the land we live in."

J. N.

MONTROSE GARDENS,
CAPE TOWN, *March*, 1877.

Since writing the above, the important intelligence has reached England that the Transvaal Republic has, on the 12th of April, submitted to British authority, and that the Imperial flag now floats over Pretoria and the gold diggings of Lydenburg, and (may we hope) assuring peace and goodwill towards men, to all the regions south of the Zambezi.

LONDON, *May*, 1877.

ERRATA.

Page 9, line 2, for "Charl" read *Charles.*

Page 31, line 23, for "Dooru" read *Doorn.*

Page 32, line 13, for "Dooru" read *Doorn.*

Page 54, line 24, for "Ranstone" read *Rawstorne.*

Page 69, Dr. Stewart, C.M.R., killed in Booma Pass, Capt. (now Lieut.-Genl.) Bisset, severely wounded.

Page 135, line 18, for "Sales" read *De Salis.*

Page 135, add to the officers wounded, Lieut. Palacios, and Lieut. Mill, C.M.R.

ADDITIONAL ERRATA.

Page 4, line 5, insert "King João II." before the word "changed."
Page 134, line 23, for "doen" read *doen.*
Page 137, line 21, for "Majaliesberg" read *Magaliesberg.*
Page 139, line 28, for "pastures" read *partners.*
Page 141, line 24, for "councils" read *counsels.*
Page 142, line 9, for "Wajor" read *Major.*
Page 142, line 15, for "Baralongs" *Barolongs*, wherever it occurs.
Page 163, line 10, for "legally" read *formally.*
Page 167, line 19, for "occupied" read *unoccupied.*
Page 168, line 7, for "Barkley" read *Barkly.*
Page 170, line 12, for "Owen" read *Oswell.*
Page 176, line 26, for "legislative" read *legislature.*
Page 180, line 12, for "on" read *after.*
Page 182, line 4, for "of their" read *to their.*
Page 191, line 2, for "Ordinance" read *Ordnance.*
Page 191, line 25, for "their" read *there.*
Page 245, line 25, for "Colone" read *Colonel.*

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SOUTH AFRICA:

HISTORY OF THE EUROPEAN SETTLEMENTS

The Dutch East India Company's Settlement.

1652 to 1795.

Discovery of the Cape of Good Hope by the Portuguese—Formal possession assumed by an English Fleet — The Dutch East India Company — Settlement for the refreshment of their ships—Van Riebeek's arrival — Monopoly of trade—Purchase of land from the aborigines — Embryo colony in Van der Stell's time — Anti-industrial policy — French Huguenot refugees — Political troubles — Dispersion of the settlers — Trekking — Extension of the Colony — Border difficulties — Commando system — Demand for free trade — Arrival of English fleet in 1795 — Close of the Dutch East India Company's rule.

ALTHOUGH two hundred and twenty-five years have passed since the date of the first European occupation of South Africa, it is only during the last sixty years that colonization has been fairly and freely encouraged in the country. For nearly a century and a half, it was a mere mercantile settlement of the Dutch East India Company, who held a monopoly of trade and checked and prevented the formation of what is now understood as a "colony." It is necessary to bear this fact in mind when instituting comparisons between the age and progress of the Cape of Good Hope, and the remarkable advancement of the Anglo-Saxon communities in America and Australia. The latter, from the outset of their career, enjoyed the favourable auspices of political freedom and unfettered industrial enterprise; but the early settlers in South Africa found themselves trammelled and repressed by a Govern-

ment which has been well described as—"in all things political, purely despotic, and in all things commercial, purely monopolist."

The Portuguese were the earliest discoverers of the Cape of Good Hope. Bartholomew Diaz first rounded it in 1486, and changed its name from the stormy one of "Cabo Tormentoso" to the one it now bears. Vasco de Gama followed in 1497, proceeding as far as Natal and Mozambique. Beyond resorting to the bays along the coast for shelter or refreshment, these voyagers did not make any use of the promontory they had found on this ocean-route to the east. English and Dutch navigators afterwards, on their way to India, visited Saldanha bay and Table bay, and the commanders of one English fleet (Shillinge and Fitz-Herbert) landed and took formal possession of "the South African coast and continent" in the name of His Majesty James the First; but no steps appear to have been taken by the English government to ratify this act.

In 1602, a body of Dutch merchants who had successfully engaged in commerce with the East planned a privileged company, and obtained a charter from the States-General of the United Provinces, on the ground among other things of the national advantages which would accrue therefrom. The charter delegated to the Company the general powers of government over the ports and other establishments beyond the Cape of Good Hope, "for the advancement of their exclusive rights of trade." Some years afterwards one of their richly-laden homeward bound ships, the *Haarlem*, was wrecked in Table Bay, where her treasures have been occasionally, even quite recently, recovered by divers. Her crew, on finding their way back to Holland, strongly recommended the advantages of establishing a rendezvous at the Cape for the refreshment of their fleets, and this idea was afterwards acted upon by the Company, who accordingly ordered possession to be taken of a spot suitable to their object.

Jan Anthony Van Riebeek, a surgeon in the employ of the Company, who had previously sailed with outward bound ships

to India, was the officer chosen as first commander of this new settlement. He was duly commissioned by the Chamber of Seventeen, at Amsterdam, to occupy the "Cabo de Boa Esperança," and to build a fort and lay out gardens in Table Valley. Accompanied by about a hundred souls, he arrived under the shade of Table mountain, on the 5th April, 1652. His followers were officers and servants of the company, a few of whom, after landing, were released from their engagements, and permitted to become "free burghers" or cultivators of the soil. The daily life they led, and the progress made, are minutely detailed in the quaint and interesting "journal" and "despatches" of Van Riebeek and his successors, which are still preserved in the archives of the colony. These shew that the settlement was simply regarded as a dependency of the Company, and its affairs administered with no other view than that of protecting and supporting the commercial interests of that body. The principal object was to supply its ships cheaply and plentifully—to get as much profit as possible out of the burghers and the natives on whom it was dependent for these supplies — and to prevent them engaging in exchange or barter with any other than the company's officers, — thus monopolising all trade for its own advantage.

Van Riebeek was very zealous in carrying out the instructions and policy of his principals, and in his relations with the natives was tolerably just and friendly. The aboriginal tribes had long been in the habit of selling cattle to the shipping, and as it was serviceable for the Company, every endeavour was made to live at peace with them. To prevent any cavilling or discontent in consequence of the appropriation of land by the settlers, an agreement for the formal purchase of it was made in 1671, with the Hottentot Prince Manckhagon *alias* Shacher, "hereditary sovereign of the land of the Cabo de Bona Esperance," by which the district beginning from the Lion Hill and extending along the coast of Table Bay, with the Hout and Saldanha Bays

inclusive, was made over to the Company. In 1672, a similar contract was made with "the minor Prince D'houw, hereditary sovereign of the country called Hottentots Holland," for the purchase of the land from the Cape district around its coast and Cape False and Bay False. In both instances the price paid was "four thousand reals of eight, in sundry goods and articles of merchandize," delivered to the satisfaction of the contracting natives, who appear to have lived on good terms with the Dutch until some years afterwards they were decimated by small-pox.

Among the commanders who succeeded Van Riebeek, the most able and conspicuously-active in improving the settlement was Simon Van der Stell. He was not satisfied with its remaining a mere provision-station for the Dutch ships calling at Table Bay, and suggested to the Company that something more should be made of the country, by growing corn, wine and other products which might yield rich returns. For this purpose he urged that the number of residents should be increased, as there was land of excellent character in abundance, but labourers were required to till it. The directors of the Company in Holland, thereupon determined to reinforce their garrison with a number of settlers of the agricultural class. Their policy, as set forth in one of their despatches, was prompted by the consideration that "he who would establish a new colony may be justly compared to a good gardener who expends a large sum upon a young orchard, with the prospect of his labour and capital being repaid in due time." And had such a policy in its integrity been acted upon, the subsequent history of the country would have been very different. Although in these and other expressed aims and intentions of the Company, there was much that was good and beneficent; yet practically, in all that affected the encouragement or even the toleration of trade and industry amongst its subjects, everything was held secondary to immediate profit.

Previous to Van der Stell's time, the mode of settling the embryo colony had been by granting discharges to such of the

Company's soldiers or servants as were married, of good character and Protestants—giving them land for cultivation, assisting them with slave labour and binding them to a residence of ten, and (to induce their longer stay) their children to a residence of twenty years;—their faithful services after a while securing for them the rights of free burghership. These people, however, were bound to sell their produce only to the Company, and were denied the privilege of earning a penny by barter with the natives or foreigners. When after expending their labours on the land, they found that a fair price for their goods was denied them, they addressed to the Company's representative a strong statement of their grievances, which was signed by the whole body of colonists, "none excepted"—as their descendants have frequently since, with equal boldness and unanimity, asserted their regard for their own liberties. This remonstrance, however, appeared to the directors "full of sedition and mutiny;" and the burghers were warned not to present such papers in future, or "severe measures would be provided against the same." As the Company and their local representatives exercised the power of political deportation over any person they thought fit to designate "an useless subject," the colonists, at this early period, had no choice between implicit submission and escape from the colony by sea; and for many years after, several of them, as well as of the garrison, escaped to Holland, by hiding themselves in the company's ships.

Governor Van der Stell's suggestions for increasing the population of the settlement reached Holland at a most opportune period. Louis the Fourteenth had just proclaimed (in October, 1685), the revocation of the Edict of Nantes, which deprived the Protestants of their liberty and drove the best and bravest of his subjects out of France. From Piedmont and the Italian Alps, too, the hurricane of religious persecution had forced the Waldenses to seek elsewhere the freedom their own country denied them. To all of these, the Dutch Republic offered an

asylum—receiving the fugitives with great kindness, supplying their wants, subscribing to their necessities, and helping them to new homes in other parts of the world. The Chamber of Amsterdam and of Delft, in 1687, informed Van der Stell that in addition to other freemen a number of these French and Piedmontese refugees were willing to emigrate to the Cape for freedom of conscience. "Among them," says the despatch, "are persons who understand the culture of the vine, who will in time be able to benefit the Company and themselves. We consider that as these people know how to manage with very little, they will without difficulty be able to accommodate themselves to their work at the Cape, also especially as they feel themselves safe under a mild government and freed from the persecution which they suffered. It will be your duty, as they are destitute of everything, on their arrival to furnish them with what they may require for their subsistence, until they are settled and can earn their own livelihood. Further you will have to deal with them, as we have on former occasions directed you to do in regard to freemen of our nation."

The terms upon which the refugees were offered an asylum by the Assembly of Seventeen, who represented the East India Company, were that they should take passage to the Cape single or with their family, and be obliged to continue there for full five years; that they should settle and maintain themselves by cultivation, tillage, or handicrafts; that to those applying themselves to farming should be given as much ground as they could bring under cultivation, and in case of requiring it should be furnished with all implements necessary, and even seed, upon condition that they should afterwards reimburse the Company for such advances in corn, wine, or other goods.

The records of the colony, still preserved in the public offices in Cape Town, contain a register of the names of some of the *émigrès* who left Holland for South Africa at this time. It was notified by the Chamber of Delft, that by the *Langewyk*, on the

19th December, 1687, the following families took their departure—Charl Marais of Plessis, in France, with Catherine Taboureux, his wife and four children; Phillipe Fouche, wife and three children; Jacques Pinard, Jean Leroux, Gideon Malherbe, Estienne Bruere, Paul Godefroy, Jean Pasté, Marguerite Basche. By the ship *China*, in March, 1688,—Jean Mesnard and his wife, and her mother-in-law Marie Anthonarde and six children; Jeanne Marthe Jourdan, widow, 60 years old and her children; Pierre Malan, Pierre Goivaud, and Francoise Rousse his wife; Jacques Verdeau, Pierre Grange, André Pelanchon, Jean Furet, Anthoine Scaet, Mathieu Fraichasse. By the ship *Osterlandt*, in January, 1688,—Jacques de Savoye, his wife Maria Magdalena Le Clercq of Tournay and children, and his mother-in-law, Anthoinette Carnoy, and Nortie and Vyton, servants; also Jean Prieur du Plessy of Poictiers, a surgeon by profession, and Magdalen Menants of Poictiers, his wife; Izaac Talifer of Chateau Tirry and Brie, with wife and children; Sara Avied, Jean Cloudon, Jean de Buysse, and Jean Pariser, farmers. By the *Wafer van Alkmald*, in July, 1688, forty French refugees brought up to farming took passage but no list of names is annexed. In December, 1688, by the ship *Sion*, which arrived at the Cape in May, 1689, passage was given from Delft to the following French refugees,—Pierre de Villiers, Abraham de Villiers, and Jacob de Villiers, all three brothers born in the neighbourhood of La Rochelle. These appear to have been the last body of the refugees sent. Some of the subsequent despatches make enquiry respecting the manner in which they were located, but there is no further mention of any additional emigration.* In January, 1689,

* Genealogical records preserved by several of the Colonial families, as well as baptismal and marriage registers in the country districts, shew that there were many other *émigrès* who settled here either at this or a later period. Thus we have the Therons, the Hugos, Du Toits, Du Priez, Retiefs, Faure, Joubert, and such names as Anthony, Arnold, Bagot, Balie, Ballot, Basbe, Beslebasque, Bernard, Berthold, Berrangé, Bertrand, Bignaut, Bosse, Bottes, Boucher, Bové, Briers, Broule, De Bruien, Bryant, Buissine, Labuscagne, Cauvin, Cilliers, DeCeriff, Cesar, Clément, Le Clus, La Cock, Collet, Conradie, Courlois, Crole, Crouge, Crosier, Dalen, Dantie, Drago, Durand, Duvenagie, Foucher, Fourie, Frier,

the Chamber of Amsterdam wrote that arrangements were being made for sending between 200 and 300 fugitives from Savoy and Piedmont, but shortly afterwards it was intimated that these people dreading the sea and the long voyage, had changed their minds and resolved to settle down in Germany.

The number of the refugees who arrived was upwards of one hundred and fifty, men, women and children—the largest and most valuable body of emigrants introduced during the whole term of the Dutch Company's occupation. They were placed partly in the Cape and Stellenbosch districts, but principally at Drakenstein, as it was considered they could there best exercise the cultivation of the soil and their special department of industry, A minister of the reformed religion, the Reverend Pierre Simond accompanied them, and arrangements were made for his holding divine service in the French language, on alternate Sundays at Stellenbosch and at Drakenstein—at the former place in the church and at the latter in one of the best situated and most convenient of the freemen's dwellings. The government of India sent a gift of 6,000 rix-dollars for their special aid, and the Company's servants and free inhabitants in Cape Town made a voluntary collection, according to their means, in money and cattle, which was given to their pastor to be distributed among the most necessitous. Aided in this manner they soon prospered and in a few years became a self-supporting community; and one of their number, Jacques de Savoye, whose virtue and industrious zeal served as a mirror and example to all, was appointed to the dignity of "Heemraad" or justice.

It is difficult to realize that at the very period the States of

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Godier, Goffray, De Goudiné, Grosse, Le Grange, Haubar, Herriot, Hurnau, De Labat, La Querenne, La Porte, Gardiol, Lategeau, Lange, Léonard, De Leur, Lezar, Lourens, Lubbe, De Manille, Mellet, Minnie, Morland, Mouncey, Naude, Olivier, Page, Piton, Perry, Pigot, Du Plooy, Pouty, Range, Rattray, Robe, Rochier, De Roubaix, Rouviere, Sandelens, Serrurier, Le Sueur, Pailjard, Terblans, Valentin, Victor, Villet, Visage, Vosges, Voigt.

Holland were distinguished for the maintenance of public liberty and their encouragement of industry, their representatives in the colony carried out a policy directly the reverse. The local regulations of the Company, which the refugees had on oath promised compliance with, stipulated that no one in the colony might sell the produce of their labour on their own terms—that neither could they buy nor dispose of anything except at the Company's store and at the Company's price. The French were not long, however, in imbibing the prejudices of the earlier free burghers in regard to this local rule, and in expressing dissatisfaction at it, but were equally unsuccessful in obtaining redress—the local authorities to whom they appealed ascribing their discontent to "national fickleness of disposition," and adding: "they have been fed by the hand of God in the wilderness, and like the children of Israel, under similar circumstances, they are already longing for the onion pots of Egypt." In their ecclesiastical affairs, likewise they found they were not altogether at perfect liberty. The appointment of elders and deacons—the disposal of the poor fund—the erection or repair of church buildings,—all things in fact, in the colony at that time, were subject to the sanction and intervention of the government. When the French community intimated a desire to have a separate vestry at Drakenstein, they were sternly admonished to remember their oath of allegiance, and conform strictly thereto; to be careful for the future not to trouble the commander and council with impertinent requests, and to be satisfied with the vestry at Stellenbosch. Although grieved at the treatment they received, they were too weak in number and powerless in means to offer resistance to the authorities then; moreover their temperate and virtuous character may have prompted them to trust in the over-ruling Providence by which they had hitherto been led. And subsequently the commander seems to have relented in his resentment against them, for on the election of elders at Stellenbosch in 1690-91, he chose Guilliame du Toit, Claude

Marais, Louis de Berant, Louis Cordier, Abraham de Villiers, Pierre Meyer, Pierre Beneze, and Pierre Russou for these officers.

Some time after this, the French pastor, Pierre Simond, returned to Europe, being relieved by another minister, who is referred to (in a despatch dated September 1701, from the Chamber of Seventeen, to the Cape Commander) as "one who according to your proposal and wish understands both Dutch and French—not for the purpose of preaching in the latter tongue, but merely to be able to visit, admonish and comfort those old colonists who do not know Dutch, so that by this means, French should in time entirely die out, and nothing but Dutch should be taught to the young, to read and write." In 1709, the use of French in addressing the government upon official matters was publicly forbidden; and in 1724, the reading of the lessons at the church service in the French language took place for the last time. The French astronomer, the Abbé la Caille, who visited the Cape in 1752, in his "Journal" refers to the condition of his fellow-countrymen, and notices the gradual extinction of the language amongst their children. He says—"with respect to the refugees, they have preserved the French language and have taught it to their children; but the latter, partly because they trade with the Dutch and Germans who speak the Dutch language, and have married or become connected with the Dutch and Germans, have not taught French to their children. There are no longer any of the old refugees of 1680 to 1690 at the Cape, only their children remain who speak French, and they are very old. I did not meet any person under forty years of age who spoke French, unless he had just arrived from France. I cannot, however, be sure that this is altogether general; but I have heard those who speak French say that in twenty years there would not be any one in Drakenstein who would know how to speak it." Le Vaillant, who visited the colony in 1780, states that he found but one old man who understood French. Before the close of last century the language had quite ceased to be spoken.

Among those early settlers, there were several who having some knowledge of personal right and freedom were not likely to submit to the arbitrary rule of the Company without a struggle; and colonial history records the "political troubles," which followed their attempts to obtain relief from the inflictions under which they suffered. In 1699, Simon Van der Stell retired, to engage in farming pursuits, having previously secured the succession of his son William Adrian Van der Stell to the office of commander. It appears that the influence of these persons in the country was very great and almost uncontrolled. Their first consideration of course was the interest of the Company, on whom depended their tenure of power. Their next was the care of their own individual interests, whatever might be the prejudice to the interests of the people they governed. They accordingly were able to avail themselves of means which their position placed at their disposal to take all the domestic trade into their hands—just as their masters (the Company) had possession of the foreign commerce. The governor and his father and his brother were the largest farmers in the colony, and the clergyman of Cape Town was the next greatest. They had the slaves and property of the Company at command—they could, and it was alleged they did, attempt to enrich themselves at the expense alike of the Company and of the colonists; and they were tolerably secure from interference, considering the means of communication that existed at that time between the Cape and Holland or Batavia.

A memorial signed by sixty-one of the burghers, was secretly forwarded to Holland. This set forth a number of charges against the governor, alike for personal persecution and tyranny and for monopolizing every means of private profit. At that period, the revenue of "tithes" assessed on all crops raised and stock pastured, was farmed out; and severe penalties were enacted to enforce their payment, and to secure the delivery of all produce at an arbitrarily fixed rate. Corn-farmers complained that, under the regulations enforced, they were compelled to part with their

grain for half the price at which it was charged to the Company; wine farmers that they had to deliver their vintage at ten to twenty rix-dollars per leaguer, while it was sold to ship captains at 150 rix-dollars; grantees of land, who wanted their title-deeds, that they could not obtain them unless the solicitation was accompanied with the necessary *douceur*, "for the governor listened readily to reasons that jingle;" and altogether the state of things was ruinous to the material as well as the moral well-being of the people. Under such a system, it was said, even the Garden of Eden could not have been successfully colonized.

When William Adriaan Van der Stell discovered that a memorial, setting forth these complaints, had left the Colony, he at once took proceedings against all who were known to have signed it, or whom he supposed disaffected. Among them were several of the refugees. Jacques de Savoye, the "Oude Heemraad," was apprehended and locked up in a cell, described as unfit for a human being; and his son-in-law named Meyer, a native of Dauphiny, was some days after introduced into the same place. Some secreted themselves in the inland parts of the country. until the storm flew over. Among them were Guilliam and François du Toit, Hercules du Pré, Cornelis Van Niekerk, Jacobus Van Brakel, Willem Van Zyl, and Jan and Carl Elbertz. Others were seized, banished to Robben Island, Mauritius, Batavia, or ordered to Holland in the return ships.

Three of the burghers thus expelled, Messrs. Van der Byl, Thessing, and Van der Heiden, were instrumental in obtaining, in Holland, attention to the case of the colonists; and a despatch was sent out to the Cape in 1707, ordering the recall of young Van der Stell and the principal officers of the government, and disallowing the sentences of imprisonment and banishment against the inhabitants. This, the despatch sets forth, was done "for the restoration of tranquillity;" but no change whatever was made in the policy of the Company, which was avowed to be the enrichment of itself and not of its colonists.

Many of the inhabitants unable to endure the impolitic system of monopoly and restriction which continued to prevail, moved away beyond the reach of the authorities into the Interior, where in imitation of the native mode of life, they obtained a subsistence from killing game and depasturing cattle. Thus began that nomad habit of "trekking" (moving away from one place to another), which in a later period of history notably contributed to the advancement of civilization and European dominion, and is continued along the border settlements at the present day.

The dispersion of the European population, however, was in many ways detrimental to them and their descendants. Beyond the mountains they spread over the inland plains and wild karoos, herding cattle or sheep, sometimes attended and assisted by the natives. Dwelling in pathless solitudes and living at great distances from each other, their's was necessarily a miserable unprogressive mode of existence. All industry and energy was cramped by the hazard, if not impossibility of their reaching a market for any produce they might raise. Consequently, pastoral pursuits alone were open to them; and no sooner did they find any difficulty in carrying on these at one place, than they enlarged their range and moved further into the Interior.

Happily the pioneers were remarkable for their religious character and attention to the simple teaching of the Bible and the observances of the Dutch Reformed Church. In the absence of any regular government, these served to maintain good order and morality amongst them. But the condition of the rising generation was by no means satisfactory. Growing up in comparative ignorance, or with little or no education beyond the elementary truths conveyed to them by their parents, their moral condition was scarcely higher than the Hottentots or slaves who were their household companions. Governor General Imhoff who made a short journey into the interior in 1743, reported the state in which he found them to be most lamentable, and he was apprehensive that they might, if further neglected, relapse into

barbarism. As a remedy a magistracy was, in 1745, established at Swellendam, and a minister appointed to look after the welfare of the people, who by this time had extended several hundred miles to the north and east. In 1786, again, the burghers having spread still further, Graaff Reinet was established as another magistracy, and in 1788 the Great Fish River was proclaimed as the extreme boundary of the colony.

The government had previous to this found it necessary to regulate the system of "squatting," which resulted from the advance of its colonists. They issued what were termed "loan leases" to all who applied for them, at a small annual rent (twenty-four rix dollars.) Their knowledge of the territorial limits of the lands so leased was quite indefinite; for all they knew or appeared to care, they might reach even to Timbuctoo. What they were more concerned about was, that there should be no trade or barter, however trifling the amount might be, between the colonists and the natives. A beaten wagon-road was found leading out of the district of Swellendam to the haunts of the Kafirs, and there was a suspicion that illicit traffic was carried on in that direction. Proclamations were therefore issued from the Cape Town Castle forbidding anyone to quit his loan-farm on any pretext whatever, or to proceed into the Interior "on pain of corporal or capital punishment, aye even to the death, and the confiscation of all property." Notwithstanding this, the "Boers" or border farmers moved about from place to place as their fancies led them; and "*togt*-gangers" or traders contrived to barter goods with the natives around or beyond them.

The European colonists, as they advanced, gradually displaced or absorbed the remnants of the weak and scattered Hottentot tribes—the Khoi Khoin, as they termed themselves—many of whom voluntarily accepted servitude, in return for the food and protection assured them. But the pioneers encountered savages of a less tractable character, when they came in contact with the Bushmen to the northward, and the Kafirs to the eastward. The

Bushmen occupying the hills of the Roggeveld, the Nieuwveld, and the Sneeuwbergen were frequently annoying them, murdering their herds, carrying off their cattle, and sometimes attacking their homesteads, and setting fire to their dwellings. The Kafirs also continually levied "black mail" on the residents about Bruintjes Hoogte, Sunday's River, the Bushman's River, and the Zuurveld.

The situation of those farmers along the frontier was consequently one of difficulty and danger. Like the backwoodsmen of America, they had to be on the watch against hostile attack. Even their wives and children had to assist in the defence of their homes and property; and there are several instances on record of astonishing female fortitude and bravery. Their isolated position offered the strongest temptation to the savage aborigines to commit atrocities upon them, which again in turn led to retribution or reprisals by the farmers themselves, until the worst of their enemies were exterminated, or driven into the deserts and mountain fastnesses.

The colonial system of "commandoes" grew out of the mode of frontier defence which then prevailed. The "veld-cornets," chosen from amongst the most respectable of the inhabitants, in places beyond the immediate supervision of the Landdrost or magistrate, were vested with the power, in cases of sudden irruptions or depredations, to collect a force, repel the attack and pursue the plunderers, with the view of taking them prisoners and delivering them into the hands of justice, as well as recovering the property carried off. By this system a most delicate duty was entrusted to a class of people who could not be expected always to discharge it temperately; and, it is needless to say, that with the hereditary hatred and prejudices of the parties, as well as the wrongs mutually done, acts of the most sanguinary and revengeful character were inseparable from their contentions.

The absence of any power of control by the Government over those armed bodies, and the border population generally, soon

produced a state of anarchy. There was at the time no military force available for the Company's service, outside of Cape Town, for in 1782, war had broken out between Holland and England, and troops could not be spared for the Cape. Even supplies of specie from the fatherland were stopped, and a colonial paper-currency was obliged to be issued, to be redeemed afterwards, but which very speedily fell in value. All this contributed to cause great dissatisfaction in the colony, which, in 1795, found vent in openly-expressed discontent. Some of the turbulent burghers of Graaff Reinet and Swellendam went the length of dispossessing the Company's landdrosts or magistrates of their offices, "declining to render obedience to any more orders of the honourable Company, much less to pay any recognition money (quit-rent) or other taxes, for the reason that the country had been defended for 26 or 28 years, solely at burgher cost, and they could not imagine it just, that they should render tribute for the occupation of lands they had themselves to protect from the enemy."

The general body of the inhabitants, however, urged the government in a more legitimate manner, by memorials and deputations, for a reform of the evils which were at the root of the Company's unpopularity. They demanded the right to sell their produce to whoever they chose—"that all that commerce introduces into the country shall be freely landed, and all that the country produces shall be freely exported; it being an established rule that the farmer cannot maintain himself without a sufficient vent for whatever his labour may produce from the land; and a colony like this, composed of farmers alone, can have no durable means of supporting itself without a steady demand for produce proportioned to its quantity; nor without facilitating internal communication as much as possible, as the difficulties of transport must otherwise neutralise all the efforts of the farmers by diminishing their profits."

At the very juncture when the disagreement between the people and the government threatened to disturb the peace and tranquility

of the country, an unexpected solution of this internal difficulty was brought about by the course of political events in Europe.

The United Provinces of Holland had been compelled to yield to the army of the French revolutionists, and the Stadtholder (the Prince of Orange) found a refuge in England. There an alliance was made against the common enemy, the French,—and the Cape of Good Hope being an important point, an English fleet was despatched to induce the colony to place itself under Great Britain until peace was restored.

Admiral Elphinstone and General Craig were the officers in charge of the fleet and troops, who arrived at the Cape in June, 1795. They also brought a letter from the Prince of Orange to the Cape government, stating that they were sent out to protect the colony against the French, and directing that the troops and ships should be received and considered as in amity and alliance with Holland. The officer in charge of the government, Commissary Sluysken, with his councillors, the "Raad Politique," seem to have looked with suspicion upon this order from a prince in exile; and as they had no instructions from their own Chamber of Seventeen, they rejected the proposal to permit the troops on board the fleet, which had anchored at Simon's Bay, to land, and peremptorily refused to place the settlement under the protection of Great Britain. The Dutch forces, artillery and infantry, did not number much more than 1000; but they were supported by the burghers and the native militia, who were called out for service,—altogether about 3000. These troops endeavoured to oppose the landing of the English, and took up a position at the post of Muizenberg (near Kalk Bay), where the remains of the old battery and encampment are still to be seen. After some active operations, in which several of the officers and members of the colonial force distinguished themselves,—especially a Captain Cloete, who commanded a Hottentot corps, and a Mr. Duplessis, who headed a party of burghers, and attracted the English general's notice by his courage,—a cessation of arms for forty-eight hours was called

for and granted, to consider proposals for entering Cape Town. Terms of capitulation were then agreed to, by which the English were admitted into the forts and castle, and the governor and officers of the Dutch East India Company were permitted to leave the Cape with their personal property on the 12th November, 1795.

Thus closed the *regime* of the great commercial association which for nearly a century and a half controlled the affairs of the Cape of Good Hope. A dozen private gentlemen at home, in a back parlour, around a green table, had ruled an empire abroad, commanding their ships of war, their fortresses, and troops; but although professing to promote the national advantage, they merely tolerated colonization just so far as they could find an immediate benefit from it to their eastern trade; and while themselves glorying in the privileges of republican citizenship, they only permitted "as a matter of grace" any man to have a residence in the land of which they had taken possession in the name of the sovereign power.

"Some national feeling in favour of the Fatherland may have lingered," says the late Judge Watermeyer; "but substantially every man in the colony, of every hue, was benefited when the incubus of the Dutch East India Company was removed."

II.

Temporary occupation and final possession by Great Britain.

1795 to 1820.

The Colony temporarily occupied by England—Restored to the Dutch by Peace of Amiens—Improved Administration under Governor Janssens and Commissary-General De Mist—Renewal of War in Europe—Re-capture of the Cape by English forces—Capitulation and close of the Dutch Batavian Government—Condition of the Country—Expulsion of Kafirs beyond the Fish River—Colonel Graham's Campaign—Massacre of Landdrost Stockenstrom—The "Slaghter's Nek" Rebellion—The Settlement of Albany—Arrival of British Emigrants.

"EVEN as travellers unexpectedly encountering unknown strangers stand in doubt, each gazing at the other, anxious to know what they have to hope or fear, so for the first days after the capitulation appeared the intercourse and communication between the colonists and the English." There were some who were much out of humour and dissatisfied with the state of affairs; but the inhabitants generally accepted the change of government with apparent good will, and several of the former functionaries, adapting themselves to the altered circumstances of the times, became attached to the British authority.

General Craig, who assumed the reins of government, assured the colonists of his desire to promote the peace and prosperity of the country; that all monopoly should cease, and inland trade

be free; that no new taxes would be imposed, and oppressive ones abandoned; that the paper money would retain its value, and the government would pay in specie; and that in case of misunderstanding, explanations should be given to any one who came into Cape Town.

In the remote country districts public disturbances still continued. Many of the burghers of Graaff Reinet refused to take the oath of allegiance to the new government, and shewed as little respect for the magistrates appointed to exercise authority over them, as for the "aristocrats" of the old Company, whom they had previously sent about their business. A detachment of British soldiers was then, for the first time, sent into the country, and their presence served to subdue the refractory, and secure obedience. Mr., afterwards Sir John Barrow, accompanied the magistrate, Mr. Bresler, to instal him in his resumed office, at Graaff Reinet, and the journey gave occasion for the publication of his well-known work, which brought the condition of South Africa to the notice of the literary world of Europe.

The restoration of order along the border was not so easy of accomplishment. The Kafirs, and some of the Hottentots, affected by the prevailing spirit of rebellion and anarchy, became lawless and daring, attacking the colonists, and spreading terror even as far southward as Outeniqualand, the present district of George. A military party under Major Francis Sherlock, and a commando of farmers under the Commandant Tjart Van der Walt, combined to suppress these plundering bands. Unfortunately, the brave Van der Walt, who inspired confidence into his own people and terror into his opponents, was struck down by a musket ball, when penetrating through the woods near the Gamtoos River. Deprived of his services, the commando broke up, without finally accomplishing the object of the expedition; and as intelligence was then received of a preliminary negotiation for restoring the colony to Holland, and hostilities could not be continued, an inglorious peace was concluded with the Kafirs and Hottentots,

which gave each side possession of the cattle and booty they had captured.

The English government at this time only held the Cape temporarily as a possession by conquest. Their chief reason for doing so was its importance as a military station for themselves, and as the key to their Indian possessions, which they were resolved to defend at all hazards from attacks by the French.

A large armed force was therefore maintained, defensive works were constructed, and there was a most profuse expenditure of money. In the seven years of their occupancy, it was estimated that more than a million sterling of English money was spent in the Colony, whose exports at that time did not exceed £15,000 per annum, and whose European population of all ages and sexes was not above 25,000 in number.

The peace of Europe, which was secured by the Treaty of Amiens in 1802, brought the Colony back to its relationship with Holland. One of the stipulations of that short-lived treaty was "the Restoration of the Cape of Good Hope to the sovereignty of the Batavian republic;" and in 1803 the country was evacuated by the English. Mr. De Mist, a member of the Council for the Asiatic Possessions (by which department the former business of the Dutch East India Company was administered), was appointed as Commissary-General for the Republic, to receive the colony from the English authorities. He had also to instal the new Governor, General Janssens, into office. Upon the arrival of these two functionaries, the first announcement they made to the inhabitants was, that the settlement would be no longer dependent upon any commercial body whatever; that the new constitution abolished all particular privileges of this nature, and the people would in future know no other government than that which the Batavians had appointed over themselves.

The new *regime* inaugurated by them furnished a great contrast to the misrule of the East India Company. Governor Janssens, and Mr. De Mist afterwards, severally made a journey through

the colony, visited the frontier settlers, and the Kafir and Hottentot chiefs; and endeavoured to remedy the evils which had excited commotions amongst them. Dr. Henry Lichtenstein, who accompanied these officials, thus obtained the materials for the very excellent description of the colony and colonists of the past generation given in his volumes of travel. The Commissary-General (De Mist) was chiefly occupied with the organization of the civil government; and his liberal and benevolent views are set forth in the various measures then prepared by him for the better administration of public affairs. He divided the country into five districts or "drostdies"—Stellenbosch, Swellendam, Graaff Reinet, Uitenhage and Tulbagh. Each of them was under the supervision of a landdrost or magistrate, who was assisted by domiciliated burghers, termed heemraden; these together constituted a board or council to deliberate and decide upon the concerns of the district. The instructions issued to the landdrosts gave a most detailed account of their duties. Acting upon the principle that "the colony must derive its importance from the quantity and quality of its produce," they were enjoined to use every effort to promote its material progress. They were to pay particular attention to the improvement of the different breeds of cattle; to encourage the formation of artificial pastures, and of cattle stalls for the winter; and especially of the exchange of the native Cape sheep for those bearing wool,—which (it was wisely prophesied) would be an inexhaustible source of prosperity. They were also to make themselves well acquainted with every particular tract of land in their district, so as to know for what description of stock each place was best calculated, or what sort of cultivation and what produce would best answer upon it. Independent of the cultivation of grain, they were to encourage the inhabitants to raise all articles of food calculated to save the consumption of grain and such others as might become articles of export, especially the culture of the vine. The planting of timber and the preservation of the forests was likewise enjoined upon them.

Further, to promote the welfare and prosperity of their districts, they were to pay attention to the education of children, and facilitate the means of it to every family; and to encourage the youth to industry, by treating the industrious and laborious farmer with due distinction,—representing to them agricultural pursuits as being particularly honorable to the individual and highly beneficial to the colony. The civilization of the aborigines of the Hottentot race was to constitute one of the objects of their care; they were to be considered and treated as a free people, having a legal right of residence, and therefore to be protected in their persons, property, and possessions. The different tribes on the frontier were also directed to be so dealt with that they could not have any just cause for aggression against the inhabitants; and in order to prevent as much as possible all cause of dispute with them, no colonist was to go across the border without a written special permission from the governor, under pain of prosecution according to law. As long as the use of slaves in the colony was not abandoned, the landdrosts were directed to consider it amongst their most sacred duties to watch for the protection of these unfortunate beings, and by their authority and example to accustom the inhabitants to consider and treat them as fellow creatures, and not suffer any cruelty to be practised upon them. In addition to these general instructions, laws were made relating to church matters, schools, a militia force, district courts, and the appointment of field-cornets to execute limited magisterial functions in subdivisions of districts,—some of which are still part of the code of the colony.

But the inauguration of these laws, and the future development of the country was destined to be carried out by other hands. The peace of Amiens proved to be of short duration. War was again declared in Europe. Hostilities were resumed betweeen England and France, and the importance of the Cape as a naval and military position being fully recognised by the British government, it was determined to send out a fleet and armed force for its re-capture.

This expedition, under General Sir David Baird, reached the Cape of Good Hope, on the 5th January, 1806, and took up a position in the channel between Robben Island and Blueberg, on the northern side of Table Bay, facing Cape Town. The troops effected a landing on the shore, although the sea was breaking with great violence, and one boat with about 40 men of the 93rd Higlanders was overset, and every soul lost. The army consisting of the 24th, 59th, 71st, 72nd, 83rd, and 93rd regiments, about four thousand strong, moved off in the direction of Cape Town; but on ascending the spur of the Blueberg hill, they found themselves opposed by the Batavian and Colonial forces under General Janssens, consisting of about three thousand men, drawn up in battle array. An engagement ensued, the invading force advancing under a heavy fire of round shot, grape and musketry; but when they charged, they bore down all opposition, forcing the Batavian troops to a precipitate retreat; the auxiliary regiments, known as the Waldeker's, being the first to give way, and hurriedly taking flight to Cape Town. The British were not in the best condition to follow them up, as the nature of the country—deep heavy sand covered with shrubs, and the total privation of water and the effects of a burning sun, had nearly exhausted them. The next day, however, they advanced, and got possession of the capital.

General Janssens, who in the engagement had discharged his duty as a brave man at the head of a feeble army, retired with the remainder of his force along the Eerste River valley, to Hottentot's Holland, and Sir Lowry's Pass, where it was supposed he designed to establish himself in such a manner as would cut off the communication of Cape Town with the interior. General Baird treated Janssens with the generosity and distinction due to an intrepid soldier, and forwarded a letter to him urging him in the presence of the magnitude of the British forces, which left no question as to the issue of any further resistance, to surrender at once in order to promote the general tranquility. After a truce, and some preliminary overtures,

honourable and advantageous terms of capitulation were agreed to—one of the conditions being that the Batavian troops should be embarked and sent straight to Holland, at the expense of the British government; and another, that the burghers and inhabitants should preserve all the rights and privileges hitherto enjoyed by them, and that public worship as then in use should also be maintained without alteration. These articles of capitulation, formally agreed to at the foot of Sir Lowry's Pass, were afterwards ratified and confirmed in the Castle of Good Hope, on the 19th January, 1806. This act finally closed the administration of the Dutch government in South Africa.*

The condition of the Cape, for the first few years after its transference to the British authority, was one of comparative tranquility and plenty. A large military force, entailing a liberal military expenditure, stimulated agriculture and commerce. The mild and conciliatory measures adopted by Sir David Baird and his successors, the Earl of Caledon, and Sir John Cradock, (afterwards Lord Howden) and their princely hospitality, and personally cordial and frank intercourse with all classes of society, cemented and kept up a very friendly union between the governors and the governed. In and about Cape Town especially, a state of general prosperity and social happiness was enjoyed, such as had not been felt in the colony before. But, beyond the mountain range which bounded the horizon, the country did not participate in these advantages in any marked degree. It is true, Graaff Reinet, the former scene of rebellion and anarchy, was now restored to order; the firm administration of the new landdrost,

* The Cape of Good Hope for some years after this, continued to be regarded by the British government as merely a temporary possession by conquest; but the achievements of the allied forces in Europe having secured a permanent peace, in 1814, a convention was then agreed to between the Prince, Sovereign of the restored and United Netherlands, and His Majesty the King of Great Britain, by which, in consideration of certain charges provided by the latter for the defence of the Low Countries, and their settlement in union with Holland, the colony of the Cape of Good Hope, together with Demarara, Essequibo, and Berbice, was ceded in perpetuity to the British crown. The colony thus definitively became a sharer in the importance of our mother-country, and in the benefits of her commercial power.

Mr. Stockenstrom, had contributed to that. Postal communication, too, was established,—from the capital to the country once a week, and from the farthest stage to the capital, fortnightly. The tenure of land was placed upon a firm basis, by which occupiers of property were enabled to hold the same hereditarily, and do with it as they thought proper. Courts of Justice extended their functions to the inland districts, assuring equal protection to all classes. But education and the comforts of civilization were sadly lacking amongst the rural population. Although surrounded by plenty, their social condition seems to have been by no means enviable. Their life was much the same as Sir John Barrow described it a few years before: "Each succeeding day was a repetition of the past, whose sameness was varied only by the accidental call of a traveller, the less welcome visits of Bushmen, or the terror of being put to death by their own slaves, or Hottentots in their employ."

When, in 1811, a "commission of circuit" was appointed for the first time to administer justice in those remote parts, the President, Mr. Ryneveld, specially brought to the notice of the government the miserable state of instruction and civilization which they met with everywhere. They passed through districts mostly inhabited by rich colonists, owners of places and considerable numbers of cattle, in whose houses were families of twelve or more children the eldest of whom were not able even to read or write their names. At the seats of the landdrosts or magistrates, where there were churches and instructors, there were also schools, but only the villagers or those in the neighbourhood were able to avail themselves of these. Thus there were 3,400 children belonging to the district of Graaff Reinet, of which at the most not more than 100 had an opportunity of instruction; while the parents of at least 2,000 of those children were well able to afford the necessary expense of their education. In the districts where there was no church, fixed magistracy or village, the young people had little intercourse or communication with one another, and therefore

no development of each other's ideas. And the young generation which swarmed in many of the houses had no other prospect in life than engaging in the breeding of cattle, and obtaining lands for that purpose. Nothing else was heard of, than of forcing in between other places, in order to obtain new grazing ground and good pasturage—and consequently there was a common inclination to settle themselves even beyond the limits of the colony. When an open country of boundless extent lay before them to the northward they were not likely to be confined by the imaginary zig-zag lines which were proclaimed as the boundary.

It was different however on the eastern frontier. There the Fish River from its source to the sea, had ever since 1778 been fixed as the barrier between the colonists and the Kafirs. The tribes who were settled to the westward of the line, in what was called the Zuurveld, were considered intruders; and their expulsion appeared to have been regarded as necessary by the Batavian as well as the English authorities. Had prudent measures been then adopted, the allegiance of these men might have been secured, and a series of destructive wars which followed averted. But the policy which obtained favour was one prescribed by Colonel Collins, who in 1809 made a tour along the border as special commissioner for the settlement of affairs. His recommendations were to oblige all the Kafirs to withdraw to their own country; to oppose insurmountable obstacles to their return to the colony; and to remove every inducement to their continuance near the boundary. In accordance with this plan, the necessary steps were taken to drive out those people—many of whom were in the service of the colonists—the men as herdsmen, and the women in domestic occupations. They were ordered to be discharged the same year. The execution of this order occasioned some heart-rending scenes. One farmer told his Kafir servant, who had been with him for several years "I have an instruction from the field-cornet to send you to your own country." "My own country! This is my own country, Master, I have been 14 years

in your service; you are my father; your wife is my mother; I have never been in Kafirland except to bring back your cattle. I will have no other country." The order was repeated by the field-cornet himself, but without effect. "No, do not drive me among the Kafirs! you may shoot me on this spot. I will not leave it." For some time, in defiance of the cruel regulation which subjected him to death, the Kafir returned to his master every night to beg a little food; but finding no chance of any relaxation of his sentence, he obeyed the order given him, to return to his former country and never cross the Fish River again.

The measures adopted to induce all the Kaffirs to retrace their steps peaceably were only partially successful. The occupants of kraals as far as the Sunday's River were compelled to retire. But beyond that they would not go; and complaints continued to reach the government of outrages of the most atrocious kind committed by them. It was then resolved to clear the whole of the tract known as the Zuurveld, and an armed force, composed partly of troops and partly of burghers, under the command of Colonel Graham, was sent against them. The order was to "clear the territory," but not to capture any cattle or remove a single article in or near to any of the kraals. And this order the Colonel commanding adhered to. In an early part of the campaign, while a considerable body of Kafirs were seen crossing from one part of the jungle to the other, an artillery officer suggested that as the Kafirs were completely exposed, a good opportunity was offered for discharging amongst them the field pieces which were ready primed and loaded. Colonel Graham replied "Fire not a single shot, until every amicable means be tried," and the Colonel continued his endeavours to carry out his object by forbearance and conciliation.

The right division of the force was under the command of Colonel Graham himself, the centre division was under Major Cuyler, and the left division under Mr. Stockenstrom, the landdrost of Graaff Reinet, as chief commandant of the burghers.

The Kafirs were evidently under the control of the chiefs Slambie and Congo; and when Major Cuyler reached the vicinity of Congo's kraal, he found all their followers drawn up in battle array, and ornamented with crane feathers, the emblem of war. The Major rode towards them with twenty-five men, to try and persuade them to retire beyond the Fish River. Old Slambie then came forward, and in apparent great agitation, called out, "Here is no honey, I will eat honey, and to procure it shall cross the rivers Sunday, Congo, and Zwartkop." "This country," said he, stamping his foot violently on the ground, "is mine; I won it in war, and will maintain it." Having finished this pithy, laconic oration, he with one hand shook his spear, and with the other applied a horn to his mouth, and on blowing it, two or three hundred of his followers rushed towards Major Cuyler, who, with an interpreter only, was 150 yards in front of his party, upon whom, however, he at once retreated, at the same time ordering them to fire. The Kafirs then sought cover in a dense wood, into which they had driven a number of cattle for their subsistence.

After this, orders were sent to Mr. Stockenstrom, who was on the north side of the Zuurberg, to join the right division on the south side; and on the 29th December, he left his quarters, accompanied by twenty-four men, chiefly burgher commandants. When more than half-way across, on the top of the Zuurberg mountain, at a spot known as Dooru Nek, where there was open smooth ground, a number of Kafirs met the party, and Mr. Stockenstrom, placing a fatal confidence in their friendly professions, dismounted and entered into conversation with them. For nearly half an hour the venerable magistrate smoked his pipe with them, and passed the tobacco-bag round amongst them, while the subject of the expulsion was discussed. He did all he could to persuade them to leave, and assured them that not a shot should be fired if they went across the Fish River quietly. The Kafirs urged that they had bought the land, and had paid a number of cattle to some Dutch commissioners for it, and that it was not

right of the government to expel them. While the "palaver" was proceeding, some other Kafirs arrived, who reported that blood had been shed. The character of the meeting at once changed. The Kafirs, now upwards of 100 in number, rushed upon Mr. Stockenstrom and those who were next to him, as they were mounting their horses, and instantly murdered the old gentleman, eight of the farmers who were with him, and a Hottentot. The rest of the party managed to effect their escape. When tidings of the massacre reached the camp, where Mr. Stockenstrom's son was on duty as an ensign in the Cape Corps, he immediately set off with eighteen men, came suddenly upon a large body of the murderers, killed sixteen, retook eight horses, and pursued the other Kafirs into the impenetrable woods. At Dooru Nek the mangled remains of the murdered men were found, and interred in one grave. No memorial marks the spot where these worthy colonists were laid, although it is on the main line of communication from Port Elizabeth to Somerset and Cradock, and the locality presents one of the most remarkable picturesque landscapes in Southern Africa.

The Kafirs having taken shelter in the woods, and seeming obstinately-determined to remain there, Colonel Graham divided his force into companies, and ordered them to enter the bush and remain there while one of the enemy was to be found. This proved effectual. The Kafirs had never been attacked on foot or in a wood before, and in the jungle their assegai proved a miserable weapon, as room is required to throw it with effect. They therefore soon fled from their favourite and hitherto undisturbed retreats, and retired across the Fish River. The services rendered by the burgher force during the campaign were highly spoken of. "I never in my life," said Colonel Graham, "saw more orderly, willing, and obedient men than the Boers; wherever they have been engaged, they have behaved with much spirit, and were always most ready and willing to go upon any enterprise."

A cordon of troops guarded the exposed parts of the frontier

boundary until the Kafirs had finally settled themselves in their own country; and for some time afterwards the line of the Fish River was strongly defended by forts ten or twelve miles apart, with double forts in the rear; the present site of Graham's Town being the head-quarters, and the Boschberg (now Somerset East) a government farm or magazine for the supply of the troops.

The border continued tranquil for two or three years, until disturbed by an attempted outbreak of some of the farmers—the so-called "rebellion of Slaghter's Nek." This affair arose out of the passionate and revengeful feelings of a few individuals. A Hottentot had complained of ill-treatment by his master, a boer named Bezuidenhout, residing in Baviaan's river. The field-cornet was directed to enquire into the case and see that justice was done; but his interference was resented, and the authorities were defiantly threatened by the master. A military escort then accompanied the civil officer sent for his arrest; he fired upon them and in return was shot at and killed. The occurrence created considerable sensation. At the burial of the deceased, his brother in a state of great excitement, called upon all around him to avenge his death, and from that day he and his family connections seem to have set themselves to mature and carry out plans of retaliation upon the civil and military authorities. They sought to call in the aid of the Kafirs to extirpate the "tyrants," promising them the Zuurveld and the cattle of those colonists who would not join them against the government. Captain Andrews, the officer in command of the nearest military post, obtained information of the movement, and at once arrested one of the most influential of those concerned in it, named Hendrick Prinsloo. This led to an immediate assemblage of an insurgent band demanding Prinsloo's release. Many were intimidated into joining them by a story being circulated that those who did not assist would be given over to the plunder of the Kafirs. But the chief Gaika, who had been appealed to, could not be induced to move; he gave them

clearly to understand that he would not embroil himself in their quarrels. Meanwhile, martial law was proclaimed, and the military were strengthened by the arrival of reinforcements and of many loyal burghers under their field-commandants. In face of the force thus arrayed against them, the rebel leaders fled away; while numbers of their followers came forward and laid down their arms, begging for mercy as they had been misled and deceived. Some were pardoned, but thirty-nine out of the party were taken as prisoners to Uitenhage on a charge of high treason and waging war against the Crown. Five of them were tried by their fellow-countrymen, found guilty and sentenced to be executed; others were transported and banished; and the remainder ordered to witness the execution of their comrades and then to be released. This was the first instance of any colonists suffering death for crimes deemed capital in Europe. The friends of the condemned men hoped to the last that the utmost severity of the law would not be enforced; and the abhorrent circumstances connected with the execution created an excitement and an ill-feeling which rankled in the minds of the old border colonists for many years after.

Great expectations were formed of the benefits the colony would derive from the re-occupation of the Zuurveld territory. The port of Algoa Bay offered facilities for trade with any settlement which might be formed; a military force was stationed along the Fish River; the payment of the troops and their supplies were made on the spot, and there was thus encouragement for the concentration of an industrious population. But Sir John Cradock refused to allow of the re-occupation of any of the farms which had been abandoned in former years; he kept the tract between the Bushman's River and the Great Fish River, from west to east, "neutral ground," and forbade any intercourse between the colonists and the Kafirs, on any pretext whatever. This territorial vacuum, however, was not long maintained,—colonists and natives alike abhorred it.

Lord Charles Somerset, who succeeded Sir John Cradock, visited the country himself in 1817. He had a conference with the Kafir chief, Gaika, whom he recognised as the supreme chief of Kafirland, and who pledged himself to restrain the natives from molesting the colonists, and to procure retribution for any depredations committed. Lord Charles, during this visit, was so favourably impressed with the appearance of the Zuurveld—which he described as "unrivalled in the world for its beauty and fertility,"—that he at once issued a proclamation, inviting the inhabitants of the colony to form settlements there and along the borders of the Fish River. With the view of inducing the people to do so, he authorized the landdrost to assign the waste lands eastward of the Bushman's River, to any persons wishing to hold it, free of rent for ten years, the land to be surveyed at the public expense and title thereto issued on perpetual quit-rent—the property, however, to revert to government in case the party ceased to occupy the same.

To look for sufficient people within the colony to settle in this territory was useless; and the introduction of English emigrants was recommended to the home authorities. The suggestion was made at a most favourable time—shortly after the close of the war with Napoleon the First, when trade was oppressed and emigration was looked to as an outlet for the relief of the unemployed. The British Parliament voted a sum of £50,000 towards colonizing the country, and in a short time no less than 90,000 applications for passages were sent in, although only 4,000 persons could be accepted. Most of them were landed in Algoa Bay in 1820, and in due course soon afterwards reached their destination.

The son of one of these "Pilgrim Fathers" (the Rev. Mr. Dugmore) has preserved to us his recollections of their arrival and the spots where they were located.

"Bailies' party," he says, "made their way to the mouth of the Fish River. The Duke of Newcastle's protégés from Nottingham took possession of the beautiful vale of Clumber, naming it in

honour of their noble patron. Wilson's party settled between the plains of Waaiplaats and the Kowie Bush, right across the path of the elephants, some of which they tried to shoot with fowling-pieces. Sefton's party, after an uncceremonious ousting from their first location at Reed Fountain, founded the village of Salem, the religious importance of which to the early progress of the settlement is not to be estimated by its present size and population. These four were the '*large*' parties. The smaller ones filled up the intervening spaces between them. Behind the thicket-clad sand hills of the Kowie and Green Fountain, and extending over the low plains beyond Bathurst, were the locations of Cock's, Thornhill's, Osler's, Smith's and Richardson's parties. Skirting the wooded kloofs from Bathurst towards the banks of the Kleinemonden, were ranged the parties of James and Hyman. It was the latter who gravely announced to Captain Trapps, the Bathurst magistrate, the discovery of 'precious stones' on his location; and which the irascible gentleman, jealous of the reserved rights of government, found on farther inquiry were only 'precious big ones.' The rich valley of Lushington afforded a resting-place to Dyason's party, and Holder's people called their location New Bristol. Passing on towards the front, there were Mouncey's party, Hayhurst's party, Bradshaw's party, Southey's party, stretching along the edge of the wide plains of the Round hill, and drinking their western waters. The post of honour and danger was the line of the Kap river. This was occupied by the party of Scott below Kafir Drift, and by the Irish party above it. The Forlorn Hope of the entire settlement was Mahoney's party at the Clay Pits, who had to bear the first brunt of every Kafir depredation in the Lower Albany direction. Names thicken as we proceed from Waaiplaats towards Graham's Town. Passing Greathead's location, we come among the men of Dalgairns at Blauw Krantz. Then those of Liversage, about Manley's Flat. John Stanley, 'Head of all Parties,' as he styled himself, belonged to the same

neighbourhood. Turvey's party were in Grobblaar's Kloof; William Smith's at Stony Vale; Dr. Clarke's at Collingham. Howard's, Morgan's and Carlisle's brings us by successive steps to the neighbourhood of Graham's Town; the suburbs of which were indicated by the painted pigeon-house at Brunett's. To the south-westward, the valley of the Karsiga was occupied by Menzies', Mills' and Gardner's parties. The rear-guard of the settlement may be said to have been formed by the men of Norman's and Captain Butler's parties, who occupied Seven Fountains, and the upper end of Assegai Bush river."

The Scotch party under the leadership of Robert Pringle, established themselves at Baviaan's river, where they have well maintained their own. Besides these, there were other companies of a more select and exclusive kind. Elderly gentlemen of upper-class connections, and retired officers from various departments of the king's service, came with small numbers of men under special conditions, and engaged for a term of years. The names of Bowker, Campbell, Philips, Piggott and others, will suggest themselves; and such designations as Piggott Park and Barville Park, given to their domains, indicate the social position assumed by their owners.

The many vicissitudes which befel the immigrants,—from their first encampment on the grassy hills and dales of Albany, when the first tree was cut down, the first wattle-and-daub house commenced, and the first furrow made by the plough in the virgin soil; the privations and trials which they had to endure from floods, from failure of crops, and from Kafir wars; and the energy with which all these drawbacks were struggled with and surmounted, until the country attained its present prosperity,—are matters which colonists in succeeding generations should never forget.

"Those British settlers of 1820," said Governor Sir George Grey, in a despatch to Earl Russell, "have succeeded as well as emigrants have done in any part of the world—better than in very many."

III.

British Colonization.

1820 to 1834.

Political condition of the colony in 1820 — Absolute Power of the Governor—Censorship over the Press—Appeal to England, and Liberty of the Press secured—The Complaints of the Albany Settlers—Public Meetings Prohibited—Pass Law — Imperial Commission of Enquiry — Ameliorative Measures—Civil and Judicial Reforms—Use of the English Language—Appointment of a Commissioner-General on the Frontier — The Reprisal System—Retrospect of relations with the Native Tribes—The Kafir War of 1834.

THE conquest of the Cape, and its final cession to Great Britain, has been termed the "charter of liberty to all inhabitants of the colony who had not high office, or high official connection." Yet, until 1825, the whole power of the civil and military administration was concentrated in one man. Whosoever filled the office of governor for the time being, exercised the fullest paternal and absolute authority. The wisdom of the measures adopted by him for the regulation of the affairs of the country, was seldom questioned or reflected upon. The community generally were influenced by the old feelings of habitual submission and acquiescence to the representative of sovereignty. At this time too, the public functionaries and their assistants—constituting "the *cohors stipendiaria*, eating the bread of the government"—formed very nearly a tenth part of the free population, and in point of union, exceeded them beyond all proportion. Backed by such adherents, the powers of the rulers were entire, and the submission of the public mind almost unlimited.

Under the comparatively-equitable administration of such men as the Earl of Caledon, Sir John Cradock, and Sir Richard Bourke, the yoke was light and easy; but during the time of Lord Charles Somerset, the colonists became sensible of the paralyzing oppressiveness of absolute despotism. Formal complaints, however just and reasonable, often met with neglect, or insult, or with punishments of a more substantial nature, while any expression of discontent was considered as an act of great imprudence, exposing the obnoxious individual to the whole force of government opposition in all his pursuits,—the colony being then in so artificial a state, that the higher powers could ruin almost any man, merely by withdrawing its favour from him; and "neither character nor talent was proof against the proud man's contumely, or the insolence of office."

This tyrannical and vindictive system, met with little resistance or appeal on the part of the public, until 1820. The population was then increased, as already stated, by the introduction of several thousand British emigrants, who brought with them the characteristic bustle and life of a free people. They were not long content to bear their grievances without the English privilege of grumbling.

In the stream of new-comers at that time, were two gentlemen —Thomas Pringle and John Fairbairn—who took a foremost part in the deliverance of the colonists from their political thraldom. Pringle, an able writer and poet, had headed a party of his relations, who were located on the vacant frontier lands of the Baviaan's River, now Glen Lynden. Through the influence of his countryman, Sir Walter Scott, with the home government, he obtained from Lord Charles Somerset the post of librarian to the South African Public Library; and he then induced his friend Fairbairn, to join him, in order to carry out some educational and literary schemes, which it was thought would be acceptable and useful to the inhabitants. They memorialised the Governor, as then in duty bound, for leave to issue a literary periodical, and

received a reply, that His Excellency had not seen the application in a favourable light. They then opened an academy to educate youth, and endeavoured to form a literary association, to disseminate knowledge, and improve the tone of society generally.

After a time, however, instructions were received from the colonial minister at home, that the ordinary privilege of the press should be granted to them, provided nothing was to be published detrimental to the peace and safety of the colony. A monthly magazine, and a weekly newspaper were then issued, which supplied the Cape community with a sort of literature to which they had hitherto been strangers. A printing establishment, maintained and controlled by the government, had been in existence previously from 1800, but the annual circle of its duties consisted only in issuing an almanac and calendar, and a weekly paper called the *Gazette*,—which was a mere list of proclamations and advertisements—the public being rarely indulged with a scrap of general intelligence, and then only of matter suited to the submissive state of the colony.

The new broad sheet, the *Commercial Advertiser*, was hailed with delight, as a medium of communicating information of an interesting and instructive character. Its articles, written by Pringle and Fairbairn in turn, have not unfitly been compared to those of the "Spectator" of the previous century. But they were regarded as very obnoxious by the Governor and his advisers, who instructed the "Fiscal" (public prosecutor) to assume a censorship over the press. This functionary accordingly made an official order upon the printer of the *Advertiser*, for the production of proof sheets of the paper. The order was complied with, in strict loyal obedience to authority; but next morning, the editors announced that they disclaimed, as British subjects, to submit to the degradation of a censorship, and were resolved to discontinue their journal, pending an appeal to England. This determination took the Governor by surprise; it was more than he calculated upon; and his ire was roused accordingly. He issued a warrant,

directing the press to be sealed up, and the printer, Mr. George Greig, to leave the colony within a month, on pain of being arrested and sent out of it by the first opportunity.

At the same time, the "Magazine" was placed under the repressive law, and the editors required to give a pledge that nothing obnoxious or offensive to government, should appear in it. They again adopted the only course open to them, to discontinue its publication, and this decision was duly notified in the Gazette.

These occurrences produced a considerable sensation in Cape Town, which alarmed, while it enraged the Governor. He summoned Mr. Pringle to appear before him at his audience-room in the colonial office. "I found him," says Pringle, "with the chief justice, Sir John Truter, seated on his right hand, and the second number of our *South African Journal* lying open before him. There was a storm on his brow, and it burst forth at once upon me like a long-gathered south easter from Table Mountain." "So sir, you are one of those who dare to insult me, and oppose my government," and then the Governor launched forth into a tirade of abuse, reproaching him above all for ingratitude for personal favours. Pringle calmly but indignantly repelled his charges, and defended his conduct in regard to the press, and asserted his right to petition the King in council on the subject. He denied altogether the personal obligations with which he had been upbraided, and since he would not have his free agency compromised by any appointment his lordship could bestow, he then and there resigned his office as government librarian.

Lord Charles Somerset, after this conference, openly denounced Pringle and Fairbairn as inveterate "radicals," and their educational seminary as a school of sedition; and the personal influence of "the powers that be" being then all but omnipotent, the prosperity of the academy rapidly passed away, and they realised that the governor was determined to oppose and thwart everything, without exception, which emanated from them or in which they were concerned.

Such was the treatment received by the first men who endeavoured to establish a free press, and to advocate the principles of British justice in the colony.

Meanwhile Mr. Greig proceeded to England, and was successful in his appeal to the home government. By order of Earl Bathurst his press was relieved from the odious incubus of the censorship, and a written authority was given that his license to publish should be liable to be cancelled by the governor in council only, and not by the governor alone. Under this guarantee the publication of the newspaper was resumed, Mr. Fairbairn being its sole editor, and aiming in all his writings to soothe and reconcile the feelings of the different classes of the inhabitants, so as to render them one people in heart, and recommending and explaining to them, in the simplest and clearest way, the feature-principles of the British Constitution.*

But, unfortunately, a year or two afterwards, the journal again fell under the ban of the government. Lord Charles Somerset had been compelled to go to England to vindicate himself against the charges brought against his administration; and while there his influence with the Colonial Minister, Earl Bathurst, was sufficient to procure a summary order from Downing Street, which reached the colony in 1827, for the suppression of the *Advertiser*. The ground for this act was not the publication of any obnoxious original article, but of an extract copied from the London *Times* of January 25, 1826, which Lord Charles Somerset represented as of a calumnious nature. The Cape community felt the suppression of their favourite paper to be an incalculable loss to the

* Mr. Fairbairn, in describing the condition of the colony in 1827, paid the following high tribute to the character of the Cape Dutch population:—"For industry, loyalty, filial attachment, and all the feature virtues of a rising community, they would stand high in comparison with any nation on record. Their love of freedom also is strong and unquenchable, and their notion of it is simple and just. They despise declamation, and seldom, if ever, use the word 'Liberty.' But, speak to them of security for person and property,—of the power of checking a bad or foolish governor by a popular assembly,—of aiding the judge in the discovery of truth, and of standing between the accused and the rancour and blindness of a political bench,—of regulating the taxes by the local knowledge of those who have to pay them,—and you will at once perceive that, without having read, they have the law of liberty written in their hearts."

colonists generally; and as they were denied the liberty of holding a public meeting in the colony to take the circumstances into consideration, they resolved upon an appeal to the British Ministry, and failing that, to the British public. Mr. Fairbairn was delegated to perform this mission, and on his arrival in England he was supported by all the influence of the merchants and others connected with the colony residing in London. A change of ministry had also taken place, and Mr. Huskisson, who held the seals of the Colonial Office, frankly conceded to the expressed wishes of the colonists, and on behalf of the Government intimated his determination that "the Press should be placed under the control and the protection of *the law*, and no arbitrary suppressions should take place in future." Upon this independent footing, secured for it by the exertions of Mr. Fairbairn, the South African Press has been conducted ever since.

The settlers located in Albany were not very long in the country before they found reason to complain of the hardship of their interests and prospects being committed to what they termed the "unlimited control of one individual." A small number of their principal men desired to consult together upon the best mode of making their wants and requirements known to the government, when, to their astonishment, they found that their intention was met, not only by positive prevention, but by insulting imputations of disloyalty and disaffection. A most high-handed proclamation was issued by Lord Somerset in 1822, notifying that public meetings for the discussion of public matters and political subjects were contrary to the ancient laws and usages of the colony, and anyone attempting any assemblage of such nature without his sanction, or that of the local magistrate in distant districts, was guilty of a high misdemeanour, severely punishable. In other ways, too, they found obstacles placed in their path. Annual fairs for friendly barter with the Kafirs had been appointed, at which the natives obtained the articles they required, in exchange for cattle and other produce of their country. In 1823 a proclamation

was issued prohibiting this and all intercourse with the Kafirs, under the severest penalties. The "ancient usages of the settlement" under the Dutch East India Company were always quoted as the authority for these restrictions. Thus, a placaat of Governor Plettenberg and council of 1774, which made bartering with the Kafirs punishable with confiscation, corporal punishment, or death, was now again revived. Similarly an old law of 1797 existed, by which soldiers, sailors, servants, or deserters were not allowed to go about the country without a certificate or "pass," under a penalty of being considered vagabonds. In 1809 the same regulation was applied to Hottentots throughout the colony; and in 1821, this most obnoxious restriction was extended to the English emigrants. The ground assigned for it was, that many individuals, (no doubt dissatisfied with the small grants of 100 acres, in a country where ordinary farms consisted of 4000 to 6000 acres) were disposed to abandon their lands, which, if permitted indiscriminately, would tend to defeat the object of the government in colonizing these parts. However reasonable the cause, there was the fact of the degrading public notice, directing the authorities to arrest and put into prison any settlers found wandering about the colony, and not having proper "passes."

Being prevented from expressing and discussing their grievances publicly in the colony,* the emigrants, in 1823, addressed a memo-

* No newspaper was published in Graham's Town until 1834. Two of the first settlers, Messrs. Stringfellow and Godlonton, who arrived in the *Chapman* in Table Bay, in 1820, brought with them the whole plant for a printing establishment; but they were not permitted to take it on to Albany. These gentlemen had before leaving England been engaged in a branch of the King's Printing Office, at Shacklewell, and the manager of the establishment, Mr. Rutt, anxious to give them a fair start, had consigned the plant to them, in conjunction with Dr. Roberts, afterwards a medical practitioner in Cape Town, with the distinct understanding that if they were successful he should be paid for his venture, and if not no demand would be made upon them on account of it. "On our arrival in Table Bay," says the Hon. Mr. Godlonton, "it soon became known that a printing press was among the emigrants' luggage, and the Government printer, Mr. Van de Sandt, was sent on board to make enquiry. The result was a prohibition against its going any further, the acting Governor (Lieutenant-Gen. Donkin) remarking, as we were told, that to allow it to go forward would be equal to scattering firebrands along the eastern frontier. We were under quarantine at the time,—not that any sickness was on board, but to prevent the emigrants from going ashore and falling in love with Cape Town. But notwithstanding this, for the purpose of

rial to Earl Bathurst, which was laid on the table of the House of Commons. In it they set forth their complaints against the system of government and laws to which they were subject, and especially directed attention to the insecurity of the border, from the policy then pursued, which threatened, instead of the civilization of the natives, a war of mutual extermination between the black and white races.

The British Parliament before this had had its attention directed to the condition of the colony, and the unpopularity of its government, and a Commission of Inquiry was appointed to investigate the affairs of the settlement on the spot. The Royal Commissioners, Messrs. Bigge, Colebrooke, and Blair, concluded their labours in 1826, and presented elaborate reports on the various subjects of their inquiry. These documents furnish a most interesting general historical review of the past administration of the Cape government, its finances and trade, and the condition of the population, including the aborigines. The commissioners recommended the separation of the colony into two provinces, and the appointment of a chief magistrate or lieutenant-governor on the frontier, who would apply some uniform and consistent principle to the intercourse of the colonists with the Kafirs, and unite in his own hands the civil and military authority. Many other important recommendations were made at the same time, and carried into effect. The judicial administration was improved. A supreme court and circuit courts were appointed under royal charter. The old monopolies, connected with the collection of some of the revenues, were abolished. Civil commissioners were placed in charge of divisions in the room of landdrosts and heemraden, and several districts were subdivided and new magistrates created. And

carrying out the arrangement with the Government, Mr. Stringfellow was permitted to go on shore, and between him and the Government printer the matter was finally settled. The amount of the invoice was paid, and remitted by Dr. Roberts to Mr. Rutt in England. By a curious chain of circumstances, this identical press came into my possession at Graham's Town, and was used in printing the first newspaper ever published in the Eastern province. A portion of its 'platten' now stands as a memorial on my library table."

simultaneously with these changes, the language of the parent country was, in terms of a previous proclamation, ordered to be exclusively used in all official proceedings and business.*

Viscount Goderich was Secretary of State for the Colonies in 1827, and acting in the spirit of the recommendation of the Royal Commission, he gave instructions to provide for the residence on the frontier of a superior magistrate under the denomination of "Commissioner-General" to whom he proposed to delegate the duty of generally superintending the affairs of the eastern division, of controlling the proceedings of its civil commissioners and inferior magistrates in all cases of inquiry, in which the delay of a reference to Cape Town would be prejudicial to the public interests, and of exercising a special superintendence over the affairs of the border. General Bourke, who was then administering the government, appointed a native of the colony, Mr. Andries Stockenstrom (afterwards Sir Andries Stockenstrom) to fill this situation.

Mr. Stockenstrom had been officially connected with the affairs of the frontier from his boyhood upwards. In 1808 he was an assistant clerk in his father's office at Graaff Reinet. In 1809 he accompanied Lieutenant-Colonel Collins, and acted as interpreter, in his excursions beyond the frontier, to enquire into and report upon the condition of the native tribes. In 1811 he joined the Cape Regiment as an ensign, and was engaged with that corps on the frontier, when his father was massacred by the Kafirs in the Zuurberg. In 1812 he was appointed deputy-landdrost—and afterwards, in 1815, to his father's former office of landdrost of Graaff Reinet. In his latter capacity, which he occupied until the abolition of landdrosts in 1827, he had acquired an intimate acquaintance with the government of the border colonists and the natives. He knew the Boers—their likes and dislikes, their

*From the 1st January, 1823, all documents issued from the Colonial Office were in the English language; and from 1825 all official notices were promulgated in that language, but the order for its exclusive use in judicial acts and proceedings only took effect from 1827.

prejudices and their many admirable qualities. He knew the Kafirs also, and their marauding propensities; and they knew him as one ever ready to put down with a strong arm any acts of depredation or aggression against the colony. His large experience, his determined yet just and beneficent character, and his known talent and irrepressible activity, were all qualities which admirably fitted him for the duties which he was delegated to discharge.

But a short time sufficed to prove that his position as Commissioner-General was an anomalous one, and those who expected from it the dawn of a new order of things were doomed to dissappointment. The instructions of Lord Goderich set forth that the commissioner was to be strictly subject to the authority of the governor. Sir Lowry Cole, who assumed the administration of the government towards the close of 1828, when he came to look into the matter, was very much puzzled about the situation; he found it difficult to arrange the sphere of duty of an officer who was to do everything and meddle with anything, without giving him any sort of power. It seemed inevitable that the military and civil authorities must come into collision, if the former was to be checked or controlled by the commissioner; more especially as Mr. Stockenstrom had officially expressed his disapproval of the system of military patrols and reprisals which had then for a number of years been in operation.

It is necessary here to take a short retrospect of the relations with the Kafir tribes from the time of Lord Somerset's conference with Gaika in 1817, referred to in the previous chapter. The acknowledgment of Gaika as the supreme chief of Kafirland was not agreeable to the other tribes, who already had some feudal disputes to settle with him. In 1818 these tribes attacked and defeated Gaika in an engagement on the Debe-Nek, compelling him to take flight to the slopes of the Katberg. Gaika then appealed to the government for aid; and as many complaints had been made of sundry depredations committed by the confederated

tribes, measures were taken against them. An expedition under Colonel Brereton was sent into Kafirland, before whom, it is said, the Kafirs fled "more like deer than men;" considerable herds of their cattle were captured, and some portion given to Gaika as compensation. It was expected that after this there would be a cessation of depredations, but the result proved otherwise. The tribes, smarting under the loss of their herds, crossed the Fish River, drove in the military posts, and in large force made an attack upon Graham's Town, with such secresy, that the appearance of an armed multitude upon the slopes above the town was the first intimation the garrison had of their approach. The attack was repelled with spirit by the small body of troops under Colonel Wilshire,—about 350 Europeans, and a few Hottentots. The leader of the confederate tribes, a so-called "prophet-warrior," named Lynx or Makanna, finally surrendered to the colonial authorities, and the war was brought to a close.

Lord Somerset then, in 1819, again visited the frontier,—had another conference with Gaika, and agreed upon a new border. The line of the Great Fish River, from its impenetrable jungle, was considered untenable, and it was stipulated that the Chumie and Keiskamma rivers should be the future boundary,—the banks of the latter river being more open, and admitting of the establishment of posts which might control any invaders. The intervening ceded territory was styled "neutral ground," and for some time remained unoccupied; but Gaika a year afterwards, in 1820, gave his consent,—although an unwilling one,—to the government locating people there. Sir Rufane Donkin, who was acting governor during the absence in England of Lord Somerset, proposed to form a strong line of defence along it, by placing a body of Scotch Highlanders at the sources of the Kat River, and another, composed of half-pay officers, soldiers, and settlers, at the Beka; with these two posts at the flanks, he intended to fill up the intervening space with as dense a population as the country was capable of holding. But the Scotch mountaineers never arrived; the vessel

they started in was unfortunately lost at sea. The location at the Beka, called Fredericksburg, was set on foot; but on the return of Lord Charles it was also put a stop to, and the whole of the ceded territory again became vacant.

It did not long remain so; gradually a number of people, both Europeans and Kafirs, moved into it. Macomo, the eldest son of Gaika, with a party of followers, re-occupied the important country at the sources of the Kat River and the Koonap. This was the very key of Kafirland,—the strongest point in the whole frontier line, from the Orange River down to the sea. There the Kafirs were in possession of high precipices, mountains, rocks, forests, and deep clefts, under cover of which they could break into the colony, or retreat and escape with almost the impossibility of pursuit. Although the attention of the government was directed to the impolicy of permitting it, Macomo was allowed to remain in possession, so long as he and his people behaved themselves quietly. He was, however, repeatedly warned of the consequence of any disturbance; but, notwithstanding that, he made an attack upon some Tambookies living peaceably on the border, deprived them of their cattle, and murdered a number of them; and even some who fled into the colony were pursued and massacred. Macomo in his defence, alleged that the affair was greatly exaggerated; that he had only helped to establish the authority of a neighbouring chief, and at the same time punished the people who were committing depredations in the colony, for which he was made responsible by the authorities. But the government regarded Macomo's conduct as inexcusable: the Commissioner-General, who was consulted, gave his opinion that as the Kafirs were there entirely conditionally, as they had repeatedly broken their engagements, and as they were occupying a position which would be injurious to the colony in the event of any disturbance, they should be removed. This was accordingly done, and Mr. Stockenstrom was sent by Governor Sir Lowry Cole, from Cape Town, to co-operate with the military commandant on the frontier in carrying

out the expulsion. On his way from Cape Town, in 1829, the thought struck him that the plan Sir R. Donkin had formed, of placing a Highland party at the sources of the Kat and Koonap, might be carried into effect by collecting together the descendants of the aborigines of the Hottentot race, who were scattered about the country, and locating them there, along with other colonists. He mentioned the subject to the Rev. Mr. Read, a missionary at Bethelsdorp, who had great influence with the Hottentots, and who encouraged the scheme as a favourable opportunity of making a trial of what could be done in the way of raising these people in the scale of civilization. Proposals were at once sent to Colonel Bell, the Colonial Secretary, and shortly after the government sanction was given to it. Such was the manner in which the Gaika Kafirs were emoved from, and the Hottentots located in, the beautiful valleys of the Kat river, now known as the district of Stockenstrom,

It was the Commissioner-General's intention to continue the settlement along the whole line of frontier down to the coast, by planting native communities, loyal to the government and attached to the soil by the right of property; but various obstacles intervened. The stock-farmers and Kafirs were, as before, left in juxta-position, and the isolated houses and flocks and herds of the former offered seductive temptations to the natural cupidity and predatory habits of the latter.

The only policy adopted to suppress the evils arising from this state of things was known as the "reprisal" system. It commenced in 1817, under the arrangement come to between Lord Charles Somerset and Gaika. It was then agreed that whenever cattle should be taken from the colonists by Kafirs, the military patrols or commandoes of the burghers should be free to follow the traces into Kafirland, and have a right to demand, or take from the first kraal or Kafir village, the number of cattle plundered from the colonists. This was in accordance with Kafir law and usage, but it opened the door to many irregularities. It was natural enough

to track, as well as might be, the plundering party, to retake from them or others the value of the loss, and by the exercise of terrible severity to deter from a repetition of these cattle thefts. But, unfortunately, the innocent were often confounded with the guilty, and a miserable feeling of hostility was maintained. Depredations were of chronic occurrence: military patrols had to be continually kept employed; and even burgher commandoes of the colonists were called into the field successively, in 1819, 1823, 1829, and 1830, to punish the aggressors.

Cape frontier defence had at that time nothing of great military character about it. Both officers and men had the most arduous, harassing, ungrateful, and even degrading duties to perform, in trotting out after every troop of sheep or cattle reported stolen. Anything like a pitched battle never took place—the attack of Makana on Graham's Town having shewn the Kafirs the madness of such an attempt. It was all a bush-hunt, where military tactics were out of the question; and the colonists in these cases frequently proved as good soldiers as the men who had been drilled for years. The "commandoes," however, were most ruinous to the people of the country; for the losses sustained by the farmers, called away from their homes and business, and exposed to the vicissitudes of bush-life, were very great.

We now return to the course of events in 1831-2. The Commissioner-General — who had had personal experience of the nature of the conflicts between the Kafirs and these patrols and commandoes—set himself with a determined hand to put down the "reprisal" system, which he considered one of the chief causes of the continued ferment on the border. He was confirmed in this view, by the proceedings of a commando which he had sanctioned in June, 1830, upon the representation of the military commandant (Colonel H. Somerset) and some Boers. On that occasion, a petty chief (Zeko) and some of his men were killed in a "desperate fight," as the field commandant reported it; but, according to other testimony, they were ruthlessly shot down in

cold blood. In the following year, 1831, Colonel H. Somerset applied again for the Commissioner General's consent for another commando to enter Kafirland with the troops. This he refused to sanction. The military commandant then applied to the Governor direct, and obtained his Excellency Sir L. Cole's concurrence. Matters could not continue upon this footing. The differences of opinion between the Commissioner-General and the military commandant, on frontier policy, were too decided to permit of cordial co-operation. Mr. Stockenstrom finding his authority to be merely nominal,—that his promises of redress to the aggrieved, and threats of punishment to the offenders, were without effect—that, to use a common expression, he was a fifth wheel to the state wagon,—applied for leave to proceed to England. Shortly after his arrival there, he was informed that the office of Commissioner-General was abolished.

In 1833, Sir Lowry Cole retired from the administration of the colony; and in the interim, until a successor was appointed, Colonel Wade conducted the government. During this period, the Kafirs under Tyali, who had occupied, upon sufferance during good behaviour, a part of the lands adjoining the Kat River, were forcibly removed beyond the boundary line, and placed to the east of the Chumie and Keiskamma.

Sir Benjamin Durban was then appointed governor, and arrived early in 1834. He had to carry out reductions in the civil, judicial, and military establishments of the colony, and to initiate a Legislative Council. He had also to give effect to the regulations under the King's order-in-council for the abolition of slavery, which, together with the enactments previously put in force, granting equal rights to all aborigines as to Europeans, contributed essentially to the amelioration of the condition of the labouring classes of the country. Soon after entering upon office, he received an important despatch from the Secretary of State (Mr. Stanley), directing him at once to devise "other measures than those hitherto pursued" to protect the colonists on the border from aggression; and for this

purpose, the propriety of cultivating an intercourse with the chiefs of the Kafir tribes, by stationing prudent and intelligent men among them as agents of the government, was suggested. In the spirit of this instruction, Sir B. Durban caused communications to be made to the various chiefs on the frontier, conveying his desire to cultivate amiable intercourse with them, and to enter into treaties and agreements in order to put a stop to the irritating acts of robbery and depredations which were constantly being complained of. Whilst the worthy governor was maturing his plans with this most humane object, the Kafirs were secretly forming a powerful combination for the invasion of the colony.

On the 23rd December, 1834, the Gaika tribes to the number of about 20,000 men, under the immediate direction of the chiefs Macomo and Tyali, burst into the border districts of Albany and Somerset, along the whole line from the Winterberg to the sea. This invasion was as unexpected as it had been unprovoked. The unoffending inhabitants, scattered on widely-separated farms could offer no resistance, and within a week fifty farmers were slain, hundreds of farm-houses were burned, and loads of property carried off—consisting of horses, cattle, goats, sheep, clothes, money, and whatever could be laid hold of. The missionaries in Kafirland had no warning of this war, and were compelled to be unwilling witnesses of the fell work of destruction which went on. They saw quantities of spoil brought from the colony into Kafirland, and had to listen to the cold-blooded tales of murders which the Kafirs recited. They had also to hear the enraged or arrogant speeches of the chiefs—like Tyali, who said "They had borne long enough with the military; the soldiers had burned their houses; killed their men, had seized their cattle, had taken from them their country; they knew not what to do, and they sought vengeance." Happily, however, the missionaries were not attacked by these highly-excited savages, although many were the perils which befel them and their families in making their escape to some place of safety. Graham's Town, the frontier capital, presented a

most melancholy scene; the neighbouring population burnt out of their homes, or fugitives from the impending danger, were congregated there in the deepest distress and affliction, most of them destitute of every article of clothing, except what was on their persons, and many in deep lamentation for the loss of their husbands or brothers, who had either been brutally murdered or slain in defence of their property.

Immediately upon receipt of news of the irruption, the Governor directed Colonel (afterwards Sir Harry) Smith to proceed to the frontier and take the command there. With wonderful endurance, this officer performed the journey from Cape Town to Graham's Town (600 miles) in six days. He found the regular troops to consist only of 800 men, but at once proclaiming martial law, he assembled and armed the population, and proceeded against the invaders. The Governor soon after followed to the front. The whole force then advanced into Kafirland, defeating and dispersing the enemy, who was compelled to sue for peace. As an indemnification for the past and a security for the future, a proclamation was issued by His Excellency, declaring British sovereignty to be extended over the territory of the defeated tribes as far as the Kei River—the present boundary of the colony. Adelaide was the name given to this new province; its inhabitants were divided into locations, and European magistrates (Messrs. Southey, Stretch, Bowker and Ranstorne) placed amongst them with a view to the gradual introduction of British law and order. At the same time a race of people called the Fingoes, remnants of some Zulu tribes, who were in a state of servitude under the Kafirs, and had kept aloof from the war, were brought out of Kafirland, and placed in the country between the Keis-Kamma and Fish Rivers. Their number was estimated at 16,800 souls. They have since proved faithful subjects, and have been of essential use to the colonists as servants, and as allies against the Kafirs in the subsequent wars.

IV.

British Colonization.

1834 to 1854.

House of Commons' Committee on the State of the Aborigines—Lord Glenelg's Policy—Appointment of Mr. Stockenstrom as Lieut.-Governor—Dismissal of Governor Sir B. Durban—The Stockenstrom Treaties—Sir George Napier's and Sir Peregrine Maitland's Alterations—The War of 1846—Character of Kafir Warfare—Sir H. Pottinger and Sir H. Smith—The War and Rebellion of 1851-2-3—Sir G. Cathcart—Peace secured—Sir George Grey and his Policy for the Civilization of the Native Tribes.

Previous to and during the progress of the war of 1834, the British Parliament had its attention directed to the condition of the aborigines in the various possessions of the empire. The subject opened a wide door for philanthropy. A Committee of the House of Commons was appointed to investigate the matter. Witnesses were examined before them respecting the state of affairs at the Cape, and all the abuses and reputed atrocities of the early days of colonization were brought under review. The Rev. Dr. Philip, the author of the "Researches of South Africa"—who had signalized himself for many years by his long warfare and final triumph as the advocate of the natural rights of the natives—gave the result of his enquiries and observations in the colony. Mr. Stockenstrom, then residing in Europe, was also interrogated, and threw light upon the causes which had enforced his retirement from the public service. The evils of the reprisal system and some of the enormities committed under it, were freely detailed by him. although many of the circumstances reflected seriously upon

the colonial border population. He urged a policy of equal justice to the Kafirs and to the colonists, as the only one which would ensure peace. His views generally, he told the committee, were not popular, but he asked for fair investigation of them. "I am aware," he said, "that many friends of humanity and civilization think them not sufficiently liberal and enlightened with reference to the blacks, whilst on the other hand some of my countrymen charge me with abandoning the cause of the whites. No man can feel more respect than I do for the principles and objects of the former party, amongst whom I have the pleasure of counting some of my most valued and intimate acquaintances, however much I may differ with them on particular points of expediency; and both education, prejudices, and ties of affection, warmly attach me to the other, who, though thrown by the course of particular events into unhappy circumstances in regard to some of the lower classes in their midst, constitute nevertheless, under a sound system of policy and just treatment, in the aggregate, the best-disposed and easiest-managed people in Her Majesty's dominions. But I am not called upon here to please either; I have the cause of truth to serve. I am to call murder, 'murder' and plunder 'plunder,' whatever be the colour of the perpetrator's skin, or the power and influence of the man who countenances the same, in order by stating facts as they are, to enable you, as you are known to have the wish, to apply such remedies as will render the Cape Colony what it is capable of being made—one of the most prosperous and happy communities on the face of the globe."

The committee was pursuing its enquiries on the system of intercourse which Great Britain ought to maintain with uncivilized nations, when the news of the war at the Cape reached England. The Secretary of State for the Colonies then was Lord Glenelg, (Charles Grant) whose feelings were well known to be in unison with those of Wilberforce, Clarkson, Buxton, and other prominent advocates of justice and humanity towards the aborigines. He had

been kept informed of what transpired before the committee; and it tended to impress him with the idea that South Africa was threatened with the calamity of being added to the list of regions where the native tribes were doomed to disappear under the withering influence of European neighbourhood. He entirely overlooked the actual circumstances of the case—that at the Cape of Good Hope, the colonists were not encroaching upon the natives, like the Spaniards in America, to conquer or enslave; they were British communities transplanted from the mother country, advancing unarmed into the wilderness and settling down as peaceful shepherds, graziers, agriculturists and traders, in the immediate presence of uncivilized tribes, who viewed them with natural jealousy and their growing wealth with covetousness. But yielding to the unfavourable impression created in his mind, —that there had been wrong done by Christian men to these barbarians,— he became the apologist of the Kafirs, and in a despatch addressed to the governor Sir Benjamin Durban, on the 26th December, 1835, he openly stated his own opinion that "in the conduct which was pursued towards the Kafir nation by the colonists, and the public authorities of the colony, through a long series of years, the Kafirs had ample justification of the war into which they had rushed with such fatal imprudence." "They may," he added, "have been, nor can I doubt they were. accustomed to harass the inhabitants with their depredations, But driven as they have been from their ancient and lawful possessions, confined within a comparatively narrow space, where pasturage for their cattle could not be readily found, and urged to revenge and desperation by the systematic injustice of which they had been the victims, I am compelled to embrace, however reluctantly, the conclusion that they had a perfect right to hazard the experiment, however hopeless, of extorting by force that redress which they could not expect otherwise to obtain." The despatch concluded by conveying to the Governor peremptory injunctions that the sovereignty of the new province, bounded

by the Keiskamma and the Kei, as declared by him, must be renounced—for he said "it rests upon a conquest resulting from a war in which, as far as I am at present enabled to judge, the original justice is on the side of the conquered, not of the victorious party." Following upon this, Lord Glenelg nominated Mr. Stockenstrom, the ex-commissioner-general with full powers and authority, as lieutenant-govenor of the colony, to the special duty of framing, consolidating and carrying into execution such a system as might ensure the maintenance of peace, good order and strict justice in all the intercourse and relations between the inhabitants of European and African origin or descent, on either side of the eastern frontier.

No period could have been more unpropitious for the introduction of such a new policy, or for its initiation by one whose opinions were supposed to be hostile to what was called colonial interests. The obnoxious evidence of the parliamentary committee and Lord Glenelg's equally obnoxious despatch and order for the restoration of the conquered territory, reached the country at a time when the people were still suffering from the effects of the Kafir irruption. The majority of the frontier inhabitants—many of whom by that event were reduced to beggary—were loyal, good Christian men, well and kindly disposed towards the natives, and who had never participated in any aggressions, such as were said to have caused the barbarian inroad. Instead of receiving anything like sympathy or commiseration for the losses and calamities to which they had been subjected, they unexpectedly found themselves covered with unmerited reproach. Feelings of indignation were naturally aroused; and the excitement was at its height when Mr. Stockenstrom arrived at the Cape in July, 1836.

His appointment as lieutenant-governor was at once announced to the colony generally, and after taking the oaths of office at Government House, Cape Town, he proceeded to the frontier. At Graham's Town he was met by the inhabitants with an

address, in which they demanded of him an explanation of the evidence given by him before the House of Commons' committee. This address he declined to receive—disclaiming, however, any feeling of disrespect to the numerous and influential persons who had signed it. A slight explanation or modification of the injurious impressions so unfortunately created and existing, might at that time have healed the wounds inflicted upon many, and conciliated all parties. But in his reply, he sternly declared that before competent authority, and an impartial public alone, he should defend his official acts and words; and that for any grievances or representations they had to make—there was the means of remedy open by appeal to the legal tribunals of the country, the government, the legislature, and the foot of the throne itself. To the frontier farmers of Winterberg, headed by the unfortunate commandant, Peter Retief, he in the same spirit replied:—"From the principles to which I have always clung, I shall not deviate one hair's breadth: in one word, equal rights to all classes. I would walk round the world to serve this country, but will not allow myself to be moved one inch out of my road." Only once, in correspondence with his old friends, the people of Graaff Reinet, did he give the assurance to his countrymen that "it was not necessary for the defence of the many, to conceal the crimes of a few," and that he had done no action and spoken no word respecting the public interests of this country, in which, after close consideration, he did not rejoice, or which any power on earth would make him retract.

These utterances of Mr. Stockenstrom, as might have been expected, gave offence to, and for a time alienated the friendship of many of his fellow-colonists, both Dutch and English. But he pursued his own determined course, apparently without any thirst for popularity, or dread of the contrary. His special work was the establishment of the new system of relations between the Kafir tribes and the colonists, in accordance with Lord Glenelg's instructions. The rules guiding him were—the acknowledgment

of the independence of the Kafirs within their own territories; that all intercourse between them and the colonists should be regulated by written treaties; that the reprisal system should be abolished; the chiefs, and they alone, were to be looked to for the fulfilment of all stipulations. As part of the policy, too, Her Majesty's government promulgated a law enabling the tribunals of the Cape to take cognizance of, and to punish any offences committed by British subjects in any of the native territories adjacent to the colony, being to the southward of the 25th degree of south latitude, in the same manner as if the offences had been committed within the limits of the colony. (Act 6 & 7 Will. IV. c. 57)

By the month of December, treaties were concluded with the tribes of Gaika, Slambie and other chiefs. Under these the eastern boundary was fixed along the Keiskamma and the Chumie rivers; all the branches of the Kat and Koonap rivers up to their sources, being in the colony, and those of the Chumie river, within Kafirland; and no one was to cross the lines without special permission. British agents were to be placed with the chiefs, to act in diplomatic capacity; all complaints against the Kafirs were to be made through these agents, who were to observe the strictest impartiality and justice, and to promote the peace and prosperity of the colonists. It was also agreed that no complaint of theft made by a colonist should be admitted by the government as a charge against the Kafir nation or any tribe. unless the owner of the stolen cattle could prove that the property had been properly guarded, that it had been traced into Kafirland, and that notice had been given of the fact to the proper authorities within a specified time. The Kafir chiefs agreed on their part that if these points were satisfied, they would find and restore the stolen property if possible, and if they could not discover it, they bound themselves to give compensation or an equivalent, within a certain time. Provision was also made for the protection of traders and Christian missionaries, residing with leave of the chiefs in Kafirland.

A colonial ordinance in furtherance of these treaties, was passed in 1837, by the Legislative Council of the colony—but not without a protest by the governor, Sir Benjamin Durban, who placed on record his disapproval of the same, "as constituting a line of policy which, so sure as certain causes must produce certain effects, could not fail to be pregnant with insecurity, disorder and danger." His Excellency's expostulation with Lord Glenelg on the reversal of his own policy, shortly afterwards caused his dismissal, and brought his public service in the colony to a close. Sir Benjamin's retirement from office called forth an universal expression of regret, as well as some substantial tokens of affection and gratitude, on the part of the colonists.

Sir George Napier succeeded to the governorship, in 1838. Immediately upon visiting the frontier, he was addressed by the European inhabitants on one hand, praying for the Durban system to be re-established, and by the sons of Gaika on the other, begging for further concessions, and that the lands of their fathers, west of the Kat river, might be restored to them. His Excellency met both requests with a decided negative, and stated his determination to maintain the treaties and engagements mutually agreed upon—the machinery for the working of which had been brought into operation by Mr. Stockenstrom. The arrangements for carrying out that system, however, were greatly embarassed by strong party feelings ranged on opposite sides. One, and the most numerous party, denounced the policy as a total surrender of the interests of the colonists, and a delivering of them up to the ravages of their barbarian neighbours. The other held, that if these treaties were properly carried out, there would be no just cause for complaints. Unfortunately, all this time the hostility towards the Lieutenant-governor, created by his evidence before the Aborigines Committee, continued unabated. The statement made by him relative to the murder of some Kafirs by a commando in 1830, led to a charge being preferred against himself, of having, while

on commando in 1813, shot an unarmed Kafir boy, and used expressions manifesting his intention of revenging the barbarous murder of his father. Mr. Stockenstrom emphatically denied the charge, and demanded an investigation. Lord Glenelg directed an enquiry into the matter, and a court, composed of the Governor, Sir George Napier, Captain Dundas and Major Charters, after taking evidence on the subject, unanimously absolved the lieutenant-governor from the odious imputation which had been circulated against him. The facts adduced showed that Mr. Stockenstrom had only shot the Kafir in the bush, as any young officer of one and twenty years, or indeed any officer, would have done under the same circumstances and orders. Lord Glenelg concurred in the judgment of the Governor and his coadjutors, and in his despatch remarked—"I feel it due to Mr. Stockenstrom to state, that the high character for humanity which he has acquired and long sustained, has not, in my opinion been in the slightest degree affected by the enquiry, and that the confidence of Her Majesty's government in his qualifications for the office of lieutenant-governor of the eastern district is wholly unimpared." Nothwithstanding the gratifying testimony thus conveyed by the Secretary of State, Mr. Stockenstrom felt the currents of prejudice and feeling surrounding him on the frontier, to be such as to mar his influence in the colony for a time, and he obtained leave to proceed to England. In the following year, 1839, the Marquis of Normanby, who was then at the head of the Colonial Office, informed him that it was not expedient he should return to the Cape as lieutenant-governor. This decision, the Secretary of State said, was rendered inevitable by the distrust and alienation towards him which had unhappily taken root in the minds of a large proportion of the colonists—converting exertions in themselves the most meritorious into sources of discontent and dissatisfaction. He, however, retired from the public service in the possession of the cordial approbation and esteem of the government under which he had acted; and as a proof of Her

Majesty's favour was created a baronet and awarded a life-pension.

The Stockenstrom treaties worked pretty well while under the immediate and active superintendence of their proposer and framer. His determined character was as familiar to the Kafir as to the colonist, and to each of them he sought to administer justice impartially. Colonel Hare, the military commandant on the frontier, was appointed his successor, and in carrying on the system, he was firmly supported by the governor. But after four years experience of it, Sir George Napier had to declare:—"So far as the colonial government and the colonists are concerned, never were treaties more strictly or pertinaciously adhered to, but not so with the Kafirs, for they commenced from the first to plunder the colonists, and notwithstanding every exertion, it was found impossible to prevent these depredations, which caused ruin and dissatisfaction among the farmers." There were numerous complaints too, that the treaties as they stood operated with some hardship upon the colonists; and the governor, when visiting the frontier, at the close of 1840, proffered some alterations and modifications, which were agreed to by the native chiefs. These alterations dispensed with the guardianship of an armed herdsman; removed the restriction as to pursuing the stolen property across the border; and made it no longer imperative that it should be instantly followed in order to establish a claim to restitution; but it bound the chiefs as before, in the event of proof of theft, to pay such damage as was considered equitable by the agent, and also in cases of murder of colonists, to use every exertion to deliver up the perpetrators of the crime to the authorities. For some months after this, the depredations of the Kafirs decreased to a remarkable extent—denoting a state of almost perfect tranquility. Before the close of 1841, however, the Kafirs returned to their former predatory habits. The chiefs were not wholly responsible for it, as they were not always powerful enough to restrain their people. Amongst the latter, a

successful cattle-raid was always considered rather a worthy achievement, and regarded only as a wrongful act when it could be traced to them. Besides this, the prevailing system of polygamy and the purchase of wives by cattle, and the rank and estimation held by persons possessing such property, accounted for their continued depredations. Young Kafirland was, therefore, always ready for plunder and ripe for war. Matters were critical in 1842, when the chief Tyali died, and Sutu (the widow of Gaika) who was an ally of the colony, was, through the witch-doctors, charged with his death, and condemned to be burnt; but she was saved by the intervention of the diplomatic agent, Mr. Stretch, whose influence on that occasion contributed to the maintenance of peace.

Sir Peregrine Maitland relieved Sir George Napier as governor in 1844; and he had instructions from Her Majesty's government to redress the grievances complained of by the frontier colonists, and to omit no safe and proper measure for securing the protection of persons and property there. He made further alterations in the Stockenstrom treaties. One of the stipulations he insisted upon, secured protection for all natives professing Christianity: it was provided that native Christians, at the mission stations or elsewhere, should not be answerable to the Kafir laws for refusing to submit to heathen customs, such as witchcraft, rainmaking, polygamy, or circumcision. Other provisions were mutually agreed to, with respect to marauding offences, which made it easier for the farmer to recover his property, and secured the chief's self-interest to give up the thief. These modifications, however, failed to have any beneficial effect. The Kafirs seemed to regard the alterations made from time to time as indicating vacillation and timidity, rather than any desire to promote the interests of peace, humanity and justice. The coast tribes (the Slambies) showed a desire to suppress marauding; but the Gaikas were haughty and audacious, committing robberies upon the colonists with impunity, and in some instances, murdering the herds and

firing upon and killing the owners when going in pursuit of stolen cattle. Their chief Sandilli, seeing the inevitable course of events, offered to surrender his administration to British authority, as he felt the growing strength of the young men—"the war party." But before this could be effected, some incidents occured which occasioned the outbreak of hostilities in 1846.

Under a provision of the treaties, the government had the right of placing military posts in the ceded territory. Sandilli expressed his willingness to have one on his side of the boundary, to restrain his marauding subjects; but he stipulated certain conditions—one being the payment of an annual rent for the site, as an acknowledgement of his sovereignty. Before the acceptance or non-acceptance of the conditions was communicated to the chief, the Governor directed that an engineer officer should inspect the ground. The lieutenant-governor, Colonel Hare, at once sent a military surveying party to the locality, near where the town of Alice now stands. The appearance of their tent and flags for three or four days, created alarm among "young Kafirland,"—under the influence of which Sandilli ordered the surveyors away. Shortly afterwards, a Kafir of his tribe, who had stolen an axe from a shop at Fort Beaufort, was being sent to Graham's Town for trial, when he was rescued on the road by some of his countrymen, at Dans Hoogte—a place near the Kat river, where a narrow road winds along the mountain side. Another prisoner, to whom the culprit was fastened, was cruelly mutilated and murdered. A demand for the restoration of the Kafir and of the lawless men who had rescued him, was made, but failed to be complied with. To punish the chiefs and their confederates, and the "war party" in general, the Governor ordered the troops to take the field.

No apparent movement or hostile demonstration occurred for some weeks; but in the meantime preparations were being made for the coming struggle. The Gaikas assembled their force in the

ravines and impenetrable bush of the Amatola mountains, where they awaited the first blow being struck. A division of troops under Colonel Somerset, who advanced against them into this rugged country, found themselves beset, near Burnshill, by dense masses of the enemy, and after some desultory engagements had to retire upon Blockdrift, losing several valuable lives and fifty-two wagons containing the baggage of the 7th Dragoon Guards, which were burnt or plundered by the Kafirs, some of whom arrayed themselves in the clothing and accoutrements of the soldiers. This encouraged the enemy to act on the offensive, and turned the neutrality of the other tribes into adhesion to them and avowed hostility to us. The frontier districts were at once over-run by predatory detatchments of them, plundering cattle and burning houses — the storm of ravage falling most severely on the country about Lower Albany. To cope successfully with this savage foe, martial law was proclaimed over the whole colony, and a burgher force from every district was summoned to the frontier without delay. The march of these levies, however, was a long and tedious operation; added to which, a deficient commissariat, and an unusually-severe drought, rendered the movement of supplies very difficult. During this time a large tract of country was at the discretion of the Kafirs, and heavy and lamentable were the losses of the colonists. When at length the whole of the military and colonial forces were assembled, numbering some 10,000 in the field, the enemy declined to try the issue of an encounter or make any serious stand. They contented themselves with avoiding the troops, stealing cattle, intercepting convoys, and firing on small parties from shelter of the bush which covered them. Only on one or two occasions were there any brilliant or decisive successes by our arms. One was the action on the Gwanga, where Sir Harry Darrel with his dragoons, Colonel Somerset with the Cape corps, and some burghers and Fingoes, dashed upon a body of 700 Kafir warriors in an open plain, and gave them an opportunity of

judging fairly of a charge of British cavalry. The other was the expedition into the native stronghold of the Amatolas. Sir Andries Stockenstrom at the commencement of the war had placed his services at the disposal of the government, and was at the head of the burgher forces. His division, co-operating with the military and levies under Colonel Hare and Colonel Johnstone, entered the kloofs and mountains at different points. and carried all before them. After a few ineffectual struggles to retain possession of their natural fortress, the Kafirs fled utterly broken and dispirited to the less defensible districts behind. There too they were followed up, and subsequently Sir Andries Stockenstrom and Colonel Johnstone pushed on across the Kei to the paramount chief Kreli, with whom a conference was held and terms agreed upon as the basis of a general pacification—the chief acknowledging the right, by conquest, of the British government to all land west of the Great Kei river, and relinquishing any claim thereto on the part of himself or any other chief or subject. The Gaikas surrendered themselves and their arms, and Sandilli himself delivered up the principals in the outrage on the Kafir prisoner, which was the formal and immediate cause of the war. Still hostilities were not at an end. Sir Peregrine Maitland did not consider the convention with Kreli severe or strict enough—he required the restoration of the stolen cattle sheltered in that chief's territory; and to enforce this, was proceeding with a second expedition across the Kei, when he received despatches from the Secretary of State that Sir H. Pottinger was appointed to relieve him.

Sir Henry Pottinger arrived in January, 1847. In addition to the office of governor, he was appointed Her Majesty's high commissioner for the settling and adjustment of affairs in the territories of South Africa, adjacent or contiguous to the frontier of the colony, and for promoting the good order, civilization, and moral and religious instruction of the native tribes—a commission which since that time has been issued to every

succeeding administrator of the Cape government. Hostilities were continued, owing to the misconduct of Sandilli, but by the close of the year, the Kafirs were entirely subjugated; a chain of military posts was established through their country; the Buffalo River mouth was opened as a sea-port; and commerce and its attendant advantages began to operate in Kafirland. Sir Henry Pottinger then received an appointment as governor of Madras, and was succeeded by Sir Harry Smith, whose former colonial services, as well as the prestige of his military reputation as the hero of the Battle of Aliwal, gained for him a most cordial reception from all ranks and people.

Governor Sir Harry Smith proceeded to establish the peace and settlement of the frontier, which had been secured by his predecessors. One of his first acts was the proclamation of a well defined boundary of the colony, from the Keiskamma river on the east, across the Stormberg to the Kraai river, and thence along the Orange river to the South Atlantic ocean. The next was the proclamation of the territory conquered from the Kafirs as a British possession, under the name of "British Kaffraria,"—the limits being the Keiskamma river on the one hand, and the Kei river on the other. In order to exercise a direct and palpable authority over the several tribes, commissioners were appointed to reside with them; Captain Maclean, Mr. C. Brownlee, and Mr. Fynn being selected for these offices, and instructed to "control what was evil and develop what was good, amongst the people." Thus the policy of Sir Benjamin Durban, reversed by the orders of the Secretary of State in 1835, was re-established, with every prospect of a new era of permanent peace being secured.

But these sanguine hopes were doomed to disappointment. Scarcely had the colonists on the immediate frontier re-occupied their farms, and resumed their ordinary pastoral and industrial pursuits, when indications of fresh disturbances were manifest. The proceedings of Umlanjeni, a Kafir prophet or witch-doctor, created great excitement amongst the natives, who are easily

inflamed by such superstitious agencies. Messages passed in every direction, stating that Umlanjeni was the same as the prophet Lynx, who appeared in the war of 1819, and that he had power to resist the English and cause the white population and all their colonial adherents to die.* The Kafir chiefs, dissatisfied with the gradual loss of their power and revenues under the new order of government, encouraged the commotion amongst their tribes; and Sandilli was one of its principal supporters. The Governor being informed of this, sent for him; but he refused to appear,—for which act of contumacy he was by proclamation deposed from his rank as a chief, and Mr. C. Brownlee appointed in his stead. Troops were put in motion to make a demonstration of authority upon the Amatola heights; when, in passing through the Boomah Pass,—a narrow rocky gorge of the Keiskamma,—they were fired upon. The following day (Christmas Day, 1850) the residents of the military villages in the Chumie basin, near to Alice, were attacked and massacred, and their houses burned by the Kafirs. War was thus commenced with most determined, ruthless, and savage hostility. The Governor for several days was surrounded by the enemy, and shut up in Fort Cox, where all attempts to communicate with him failed; and he at last only made his escape by sallying out with an escort of Cape Mounted Rifles, wearing the forage cap and uniform of the corps, and vigorously riding on, reached King William's Town. To add to the difficulties of the position, many of the Hottentot population, who on former occasions sided with the colonists, and helped them against the Kafirs, now revolted and joined the latter, forming marauding bands, attacking the homesteads and properties of their former friends and employers. The Tembu tribes under Mapassa,

* This impostor made his followers believe that he had the power to turn the Englishmen's bullets into water; and he furnished them with charmed sticks, which were supposed to render the bearers of them invincible. A more remarkable delusion than this, however, occurred in 1856, when a Kafir prophetess, "Nongans," the daughter of Umhlakaza, a counsellor of Kreli, ordered all the stores of corn and cattle to be destroyed by a certain day, promising that when this was done there would be a resurrection of the departed warriors and stock, and the white man would be swept off the earth.

occupying the country north of the Winterberg, and the paramount chief of the Galekas, Kreli, across the Kei, also aided and abetted the "war party,"—the latter receiving and harbouring all the cattle and other plunder taken from the colonists.

The war thus entered upon was most protracted and ruinous to the border inhabitants. Martial law was proclaimed over the frontier, and the burghers were called upon to co-operate with the military. Their battles with the enemy were few; the contest was a sustained guerilla warfare. The Kafirs held the celebrated fastnesses of the Amatola and the Waterkloof,—whenever expelled from one place, dodging into another. The troops following them were harassed by apparently useless marching; and many a noble life was sacrificed in the work, by fatigue and privation, or shot down by the invisible foe. In one of these bush skirmishes, on the heights of the Kromme range, near Fort Beaufort, the brave Fordyce, colonel of the 74th Highlanders, fell. He was directing the movements of his soldiers to a fastness occupied by the enemy, and had advanced himself to the edge of the bush in front, when he was shot down. His last words were, "Take care of my regiment." The most signal and important success of the colonial forces in the field was one achieved by a commando under Captain Tylden, R.E., who encountered the united bands of Kreli and Mapassa on the flats of the Imvani, in the Queen's Town district. The commando was in the open plain, about three miles wide, surrounded on all sides by hills of different altitudes. The Kafirs (about 4,000 in number) advanced from the northward, pouring down the hills in the direction of the camp. Captain Tylden had recourse to a *ruse* to draw them into the open ground. He directed his force (about 1,200 men) to advance towards the mountain and then gradually to withdraw. This was in a measure successful. The Kafirs, uttering their war-cry, rushed down into the plains, where they were received by a well-directed fire from the burghers, and in a short time driven completely off the flats, leaving over 200 dead on the field. Kreli's warriors were the first to flee; and

it is said the chief was so mortified at the cowardice of his followers, whom he endeavoured ineffectually to rally, that he wept with vexation; and his attendant, the only one of his formidable band who remained with him, had some difficulty in getting him to mount his horse and follow his fugitive adherents.

The Home Government, wearied of these prolonged and costly hostilities, recalled Sir Harry Smith at the beginning of 1852, and appointed General Sir George Cathcart in his stead, as Governor and Commander-in-Chief. One of the first measures adopted by General Cathcart was an expedition against Kreli, in which he invited the colonial burghers to join on the old commando system, with the understanding that all the cattle captured should be divided among the captors for their own use and benefit. After a nine days' foray, they succeeded in levying a fine of 15,000 head of cattle from the contumacious chief, whose submission soon followed. As soon as the troops returned, operations were commenced to clear the Amatola and the Waterkloof; and this was successfully accomplished by establishing entrenched posts at two or three points, and marching incessant patrols until every krantz and kloof had been cleared. The chiefs Sandilli and Macomo, and a few followers and rebel Hottentots, though constantly incurring hair-breadth escapes, evaded capture, and ultimately, in despair, fled across the Kei, whence they sent in their complete submission to the Governor. The royal mercy and pardon was extended to them. Sandilli and his people were permitted to settle down in another portion of British Kaffraria, further removed from the colonial frontier. Their old forest haunts were given to the Slambie, Fingoe, and other tribes who had been loyal during the war; while the territory forfeited by the Tembus, under Mapassa, was formed into the district of Queen's Town, and filled up by a burgher population, under an organization for mutual support and self-defence, known as the Cathcart-grantee system.

Hostilities having been thus concluded, Sir George Cathcart

retired from the command, and in 1854 was succeeded by Sir George Grey, under whose rule there sprang up a state of tranquility which has since been uninterruptedly maintained. His policy, as the reader will see in a succeeding chapter, aimed at the moral subjugation of the Kafir tribes, by teaching and encouraging them to improve their condition, and gradually making them,—to quote Sir George Grey's own words,—"a part of ourselves, with a common faith and common interests; useful servants, consumers of our goods, contributors to our revenue,—in short, a source of strength and wealth to the colony, such as Providence designed them to be."

V.

The settlement of Natal and the Border States.

1810 to 1843.

The Voor-trekkers—Condition of the Native Tribes in the Interior—Migrating Colonists—the Great Exodus—Causes of Discontent—The Leaders—Adventures—Contests with Moselekatze—Arrival in Natal—Chaka and the Zulus—Massacre of the Boers by Dingaan—Exploits of Maritz, Uys and Pretorius—Independence claimed—British Sovereignty asserted in Natal—Collision between the Boers and English Troops—Endurance of the Besieged Camp—Their Relief—Dispersion and Submission of the Insurgents—Clemency extended to them—Policy adopted by the English Government—Conditions accepted by the Emigrants—Proclamation of Natal as a British Colony.

Let us now turn to the remarkable circumstances connected with the voluntary exodus into the wilderness of the primitive colonial Boers, known as the "Voor-trekkers." It was they who first colonized Natal and founded the independent Border States. "Their adventures and exploits," says Mr. J. A Froude, "form one of the most singular chapters of modern history, and deserve a clearer record than has yet been given of them."

Within the limits of this work, we can only give an outline of the character and movements of these pioneers,—the policy pursued towards them by successive Governors,—and the manner in which their emigration contributed to the advancement of civilization and European dominion in South Africa.

The earliest traditionary accounts of the territories on the boundary of the colony north of the Orange River, convey to us the knowledge that they were occupied by mere savage hunters, whose ruling maxim was,

"The old and simple plan,
That they should take who have the power,
And they should keep who can."

The various inhabitants were periodically at war with one another,—occasionally for tribal supremacy, but oftener from mere love for forays, plunder, and victory. From time to time the mass of barbarism surged backwards and forwards, the weaker being broken up and incorporated by the stronger, or saving themselves by flight, and making inroads on their neighbours, who in turn were overmatched and subjugated. Thus the powerful Zulus fell upon the Mantatees; the Mantatees, flying before their terrible enemies, fell upon the Bahrutsi and Bechuanas, who fell upon the Barolongs, Basutos, or such others as might be in their way, while they again fell upon those miserable native Ishmaelites, the Bushmen. When all this was over, the remnants of the tribes settled down wherever they were able to maintain themselves, by hunting the numerous herds of game which then covered the plains, or cultivating small patches of land in the neighbourhood of springs or permanent waters,—their right of occupation being entirely dependent upon their power to retain it.

Into this region, soon after the beginning of the century, came a mixed race named the Griquas, partly descendants of the aboriginal Hottentots, who had possessed the promontory of South Africa when Van Riebeek first landed in Table Bay. Through the teaching of Christian missionaries, the Rev. Mr. Anderson and Mr. Kramer, who first found them wandering about the western districts of the colony, they were induced to give up their nomadic habits, and settle down as a community; and for this purpose they selected the lands between

the Orange and the Modder rivers, as being well provided with springs and pasturage, and very thinly peopled. The Bushmen were almost the only other occupiers, but they did not hold their ground long, for they were soon plundered of everything they possessed, and became either servile among their neighbours, or formed or joined gangs of freebooters.

About 1825, colonial cattle farmers on the border, suffering from droughts common to the northern districts of the colony, began to drive their flocks across the Orange River in search of temporary pasturage. Little or no opposition was made to their proceedings; for the Griquas found it convenient to carry on a species of barter with the colonists; some of the latter (described by the elder Stockenstrom, in 1809, as *de la plus basse classe*) exchanging arms and ammunition for their cattle, and selling gunpowder as "onion seed." At first this occupation was temporary, and ceased with the drought which led to it. But subsequently it became permanent; the Griquas, who made little use of their land, frequently leasing or selling it on easy terms, and in some cases having to give it up to the stronger power. When these circumstances were brought to the notice of the Government, the actions of the colonists were at once discountenanced, and the frontier magistrates were enjoined as much as possible to prevent it. In 1829, Commissioner-General Stockenstrom went across the river, to put a stop to the trespass which prevailed, and to see the order for the return of many families carried into effect. But as in the case of every successive movement beyond the boundary for the time being,—from the period when the Cape Colony was contained within the military lines about Cape Town, until it reached the Orange River and the Keiskamma,—the efforts of the government to check the advance of colonization were unavailing. The northern farmers asked if there was any law to prevent them hiring land across the Orange River, or to deter them from sending their flocks to graze under the Griquas; and upon learning there was not, they adopted these

courses, and maintained their position. Down to the period of the great exodus, however, the condition of those colonists who had settled across the boundary caused little trouble or apprehension.

In 1833-4 a movement began which was essentially of a political nature, arising from the discontent created and existing in the minds of the old colonists inhabiting the frontier districts. The new laws and ordinances passed relative to the Hottentots and coloured classes generally, interfered with and restrained them in the treatment of their households. The announcement of the approaching emancipation of their slaves threatened to deprive them of what they had been accustomed to regard as property. Their barbarian neighbours, the Kafirs, were continually robbing and plundering them, rendering their pastoral pursuits unprofitable. All these circumstances contributed to create among them a strong feeling against the authorities, which they were at no pains to conceal. They declared their intention to escape from the power of a government which they did not understand or approve of; and some of them applied for leave to cross the border, while others moved off without any such permission.

The Commandant of the frontier, Colonel Somerset, as well as the Civil Commissioner of Albany, brought the facts to the notice of the Governor, Sir Benjamin Durban, who at once issued instructions to endeavour to remove the misapprehensions which existed, and to allay the excitement which they caused. But this had no deterrent effect: the emigration continued to go on. Mr. Oliphant, the Attorney-General, when asked if there was no law to stop it, pointed out that there were only the old proclamations of the Dutch Government against colonists crossing the border, or having any dealings with the natives. "But," he said, "the class of persons under consideration evidently mean to seek their fortunes in another land, and to consider themselves no longer British subjects, so far as the colony of the Cape of Good Hope is concerned. Would it, therefore, be prudent or just, even if it were possible, to prevent persons discontented with their condition to try to better them-

selves in whatever part of the world they please? The same sort of removal takes place every day from Great Britain to the United States. Is there any effectual means of arresting persons determined to run away, short of shooting them as they pass the boundary line? I apprehend not; and if so, the remedy is worse than the disease. The Government, therefore, if I am correct in my conclusions, is and must ever remain without the power of effectually preventing the evil,—if evil it be."

Wise measures on the part of the Government at that time might have directed and led the movement, and introduced among the tribes beyond the limits of the colony a more civilized colonization, whose influence would soon have extended to the centre of Africa. But, unfortunately, nothing was done. The emigrants were laughed at for crossing the boundary "for freedom and grass;" or spoken of as professional "squatters," who in the boundless Interior saw scope for the indulgence of their natural propensities. "The frontier Boer," said the ablest writer of that day, "looks with pity on the busy hives of humanity in cities, or even in villages; and regarding with disdain the grand, but to him unintelligible results of combined industry, the beauty and excellence of which he cannot know, because they are intellectually discerned, he tosses up his head like the wild horse, utters a neigh of exultation, and plunges into the wilderness."

The Kafir inroad at the close of 1834, and the pillage and destruction occasioned thereby, increased the discontent and irritation. Not only were the frontier farmers subject to the losses caused by the outbreak, but they had to sustain the hardships incidental to the stern necessities of martial law during the war; their cattle, wagons, and provision supplies being taken for the army in the field, with a very distant and uncertain prospect of any compensation being made to them. Even those who were wavering in the hopes of a change in the frontier policy of the Government, which would remedy some of their grievances and assure them security in their exposed position, at last despaired of

any improvement, when Lord Glenelg's despatches were received.

During 1835-36, the emigration assumed a large scale. From Somerset, Cradock, and the Winterberg; from Alexandria and Uitenhage; even from George, Swellendam, and Beaufort West,—detachments commenced their march. They sold their properties for what they would fetch, and taking with them what they could collect in money, went off with their families, oxen, horses and flocks, to seek their fortunes in the Interior.

The earliest emigrants were under the guidance of an old Albany farmer named Louis Trichard. The next party elected Gert Maritz, a Graaff Reinet burgher, as their head. After them followed a number of families under the leadership of Uys, Landman, and Rudolph; and as they passed Graham's Town, the British settlers visited their encampment, and presented them with a folio copy of the Holy Bible, as a farewell token of their esteem and heartfelt regret at their departure. To these there succeeded, at the close of 1836, one who, from the high estimation in which he was held on the frontier, was received and acknowledged by all as their leader and chief. This was Mr. Pieter Retief, a descendant of one of the old Huguenot families, who was born and brought up in the division of the Paarl, near to Cape Town, but had moved thence to the eastern frontier, where he had been resident for nearly twenty years. He was a field-commandant of the Winterberg district, and in that capacity had made frequent representations to the authorities on the subject of his own and his fellow-countrymen's grievances, which obtained no redress; and finally, after an irritating correspondence with Lieutenant-Governor Stockenstrom, he openly joined the general trek. On reaching the boundary, and before commencing the pilgrimage into the wilderness, he issued a manifesto, declaring the motives of the emigrants for taking so important a step, and announcing the relations in which they desired to stand towards the colony and the native tribes with whom they might come in contact. This document, signed by Retief, "by authority of the

farmers," stated.—"We quit this colony under the full assurance that the English Government has nothing more to require of us, and will allow us to govern ourselves without its interference in future. We propose in the course of our journey, and on arriving at the country in which we shall permanently reside, to make known to the native tribes our intentions, and our desire to live in peace and friendly intercourse with them. We are resolved, wherever we go, that we will uphold the first principles of liberty, but whilst we will take care that no one shall be held in a state of slavery, it is our determination to maintain such regulations as may suppress crime and preserve proper relations between master and servant." Then followed a statement of the reasons which induced them to leave their native soil. The chief ground of dissatisfaction, they said, was the losses to which they were subjected by the emancipation of their slaves. They complained that the same Government which had for years previously imported and encouraged the sale of that species of property, and enjoyed the consequent taxes and emoluments therefrom, now arbitrarily deprived them of it; and while promising full compensation, put them off with only one-third of the value to which they were entitled.* They complained also of the absence of laws to suppress the evils of uncontrolled vagrancy, and, above all, of the insecure state of the frontier, and the inadequate protection afforded the inhabitants against the Kafirs, by whose incursions their best farms had been laid waste, and hundreds of them reduced to ruin. But there is no doubt several of them had been influenced to join in the movement from other motives. False rumours were circulated amongst the more simple-minded, that Government intended imposing heavy taxes on all property, and that the Church of the Colony was to become Roman Catholic;—

* The slave compensation money was made payable in London; and agents had to be employed to draw up the requisite forms to obtain it. Many of the Boers disposed of their claims to these agents for paltry sums, and others, in simple ignorance, considered the whole thing a fraud, and refused to sign the documents which would entitle them to the compensation, of which £5,000 remains unclaimed in the hands of the Government at the present day.

others were led to believe that by travelling northward they would get to Jerusalem, and that their emigration was necessary to the fulfilment of some parts of Scripture; whilst many, and probably the larger number, were influenced by the attractive descriptions given of the beautiful country lying unoccupied and disposable beyond the borders of the colony.

The number of colonists who thus voluntarily expatriated themselves was vaguely and variously estimated at from 5,000 to 10,000 souls. The tide of emigration flowed across the Orange river, and then followed a course for some distance parallel with the Quathlamba mountains. By this route the warlike Kafirs on the eastern frontier were avoided; the only native tribes passed through being the disorganized bodies under the names of Barolongs, Basutos, Mantatees, Korannas, Bergeners, and Bushmen, occupying what is now the Orange Free State. Near the Vaal River, however, the advanced Boer parties met with the powerful Matabele, under Moselekatze, a warrior of the Zulu nation, who had separated himself from it some ten years previously, and settled in about latitude 26°, longitude 26°, destroying or bringing under subjection the tribes he found there.

It is supposed that this sanguinary chief, having been frequently attacked by the Zulu, Mantatee, and Griqua forces on his southern border, was particularly jealous of any approach upon him from that quarter. The farmers, unaware of this disposition, continued gradually to move onwards, quite unsuspicious of danger, when their advanced party was suddenly attacked, and twenty-eight of their number barbarously murdered, and their flocks and herds, and even some of their children, carried off. After this success, the Matabele attacked another small party, advancing at a little distance from the former, and these also, being totally unprepared, were unable to offer any effectual resistance, and some twenty-five men and women were also massacred, and their wagons and property destroyed; but a few of them fortunately escaped to warn the numerous little parties, who were still spread

about these vast plains of the impending danger. They had scarcely collected together, when they were attacked by a whole army of the Matabele, on the 29th October, 1836, and a most desperate struggle ensued. The Boers, in defending themselves, formed an encampment or "laager" by drawing their wagons close to each other, either in a circle or a hollow square, lashing their wheels together, and filling up the openings with thorn bushes, which served as an excellent entrenchment, whence they could aim at their savage assailants. The colonists, being accustomed from their earliest youth to the use of their powerful "roers," or elephant guns, were excellent marksmen. In the open field their mode of fighting was, to advance on horseback within shooting distance without risk,—dismount, take their deadly aim, fire,—remount quickly, and retire to load,—then advance again, and so continue the slaughter. Upon this occasion the Matabele ferociously and with great cries stormed their camp, rushing up to the wagon wheels, and throwing assegais into the enclosure, killing two of the farmers and wounding twelve. But the little band of Boers held their position, and the Matabele retired, sweeping away with them, however, the whole of the cattle and sheep which the farmers had been unable to get into their "laager."

Upon intelligence of these disasters reaching the main body of the emigrants, who were then concentrated in the neighbourhood of the mission station of Thaba Nchu (the residence of the Barolong chief Moroko), it was resolved to take ample revenge for the massacre of their countrymen. In January, 1837, upwards of 100 farmers, together with an equal number of native allies, headed by the leader Maritz, and another named Potgieter, crossed the Vaal river, and advancing into Moselekatze's territory attacked one of his principal military towns, Mosega, where they killed several hundreds of his warriors, and recovered a large number of cattle and some of the wagons which the Matabele had taken to that place in triumph, after their first success over the

small parties of emigrants. Three American missionaries, Messrs. Lindley, Venable, and Wilson, with their wives, who had commenced to labour amongst the Matabele, were at Mosega when this attack was made; they were ill and suffering from fever, and dreading the vengeance which the infuriated Moselekatze might deal towards any of the white race, they retired with the Boers, who immediately made their way back with their captured cattle to their head-quarters on the Sand River.

These occurrences impressed the emigrants with the necessity of organization and combined action. For this purpose, Retief established a system of government based upon the old burgher regulations of the colony in force under the Batavian Republic. The commandants or leaders of each encampment were enjoined to take care that small parties did not move away from the whole body; that proper guards were kept; that no servants, of whatever class or colour, were to be ill-used; that no person entrapped or took away the children of Bushmen or other aboriginal tribes; and that all complaints and grievances should be investigated. In addition to this, Retief concluded treaties of friendship and alliance with some of the minor native chiefs, who were assured that there was no intention unlawfully to molest any of them.

The condition of the several camps was at this time as satisfactory as could be expected, considering the circumstances of the heterogeneous assemblage—men, women, and children, with their flocks of sheep, cattle, and horses. There was very little sickness. Religious services were held morning and evening. There was no want of pasturage or water,—no scarcity of game, fish or honey; and supplies of corn, maize, and beans were readily brought to them by the natives, in exchange for sheep, goats, and skins. Troops of antelopes covered the plains, often mixing with the herds of cattle. Lions, too, frequently made their appearance; but war was declared against these destructive animals, upwards of 200 being destroyed by the travellers on their journey. They thus pursued their course towards Natal. The country before

them was practically unknown. They had been led to believe that they would have to skirt the Drakensberg until they could round it, which would have brought them out to the northward near Delagoa Bay. Fortunately they sent out parties to see if there was any possibility of crossing the mountain range; and these returned, after an absence of twenty-five days, with the glad tidings that at five different points the formidable barrier might be passed without difficulty. They then turned their faces due east; but the tract of country between them and the Drakensberg had been set on fire,—the high waving grass was burning furiously and threatening danger to their herds and flocks, especially as the lambing season had commenced; it was, therefore, resolved that the encampment should remain where it was, whilst Retief and some men proceeded into Natal, in order to visit the Zulu chief whose territory it was supposed to be.

From the summit of the Drakensberg mountains, five or six thousand feet above sea-level, Retief and his followers looked down upon a land of singular beauty. There lay, stretched out before them, a vast range of rolling billowy hills, with countless ravines and water streams running between, extending to the Indian Ocean. The upland ridges along the mountains were here and there marked by a growth of timber trees, while the valleys and broader flats were covered with luxuriant green pastures sprinkled with mimosa thorns, and becoming more densely bush-covered towards the sea, where the blue haze hung over it. A country of singular beauty, truly; but almost entirely bare of human life. Over all its rolling hills and meadows, nearly 20,000 miles in extent, only a few hundred souls were living, the remnants of tribes whom native wars had decimated and scattered, and whose numerous ruined kraals bore evidence of the dense population which once occupied it, in the peaceful and happy times when, according to Kafir tradition, "the sun that saw tribes fight, never set until their quarrel was ended."

More than three centuries and a half before this, the Portuguese

navigator, Vasco de Gama, on his first voyage to India, had sighted the bluff headland of its only harbour, and named it "Terra Natalis." Later, in 1719, the Directors of the Dutch East India Company proposed to form an establishment there, and purchased territory for the purpose; but beyond that no further steps were taken. In 1824, Lieutenants Farewell and King, and some other British subjects, endeavoured to colonize it, opened a trade with the natives, and urged upon the Governor of the Cape (Lord C. Somerset) the advantages of forming a settlement there, but the Government declined the enterprise.

On the first arrival of these settlers, they found the country under the despotic rule of the chief Chaka, who had raised the Zulus from an insignificant clan to be a most powerful nation, with a system of regiments and a standing army. He was a cruel, savage being, who steadily pursued one object,—to destroy all other native governments, and exterminate such of their subjects as did not choose to come under his rule. The fame of his troops spread far and wide; tribe after tribe was invaded, routed, and put to death by them, either by firing their huts or by the spear, and in a few years Chaka had paramount sway over nearly all South Eastern Africa, from the Limpopo to Kaffraria, including the territories now known as Natal, Basuto Land, a large portion of the Orange Free State, and the Transvaal. It is estimated that not less than one million human beings were destroyed during the reign of this native Attila, between 1812 and 1828. His death was, as might be expected, a violent one. He had sent a force of 30,000 fighting men eastward, towards Mozambique, and owing to disasters, famine, and casualties, only 10,000 returned. On hearing of this Chaka ordered the massacre of 2,000 of the wives of the defeated army (among whom were those of his own brothers) at the rate of 300 per diem. These atrocities aroused the revenge of the Zulus, who entered into a conspiracy against the tyrant. He was assassinated by his brothers at his residence, "Dukusa," now the village of Stanger in the Umvoti district, Natal, where his

grave still remains, a sacred place to the natives. It is said that during his last moments, when he saw his assailants approaching and knew his fate, he uttered the prophecy, since so thoroughly fulfilled: "You kill me,—you think you will rule the country; but I see white men coming, and they will rule it."

Chaka was succeeded by his brother Dingaan, who lacked most of his predecessor's genius, all his generosity, but none of his cruelty. He was treacherous and bloodthirsty, and these characteristics occasioned much uneasiness to the small colony of Englishmen who were trading with the natives at the port of Natal. Captain Allen Gardiner, the "Patagonian Martyr," visited the country soon afterwards, and succeeded in obtaining the chief's consent to the introduction of missionaries into Zulu Land, and also a power to exercise general magisterial authority over the trading settlement. A formal treaty to this effect was executed, and under these arrangements the Church Missionary Society sent out a clergyman, the Rev. Mr. Owen, who was established as a missionary at Dingaan's residence, Umgungundhlovu (the place of the trumpeting of the elephant), situate on the White Imfolosi River, when Retief and his party crossed the Drakensberg.

Dingaan received the Boers with apparent kindness. With a smile on his countenance he told Retief, "You do not yet know me, nor I you, and therefore we must become better acquainted." He seemed desirous of exhibiting his army to his visitors to the best advantage, and for two days had his warriors in attendance, displaying their manœuvres. On the first day upwards of 2,000 of his youths were assembled, and on the following his veterans were exhibited to the number of 4,000. Their national dances and warlike performances were extremely interesting. In one dance the regiments were intermingled with about 200 oxen; these were divided into twos and threes among the whole army, which then danced in companies, each with its attendant oxen, and all in turn approached the chief,—the oxen, well trained, turning into a kraal, and the warriors moving in a line from them. Retief was

all this time anxious to accomplish the object of his mission,—namely, to obtain the chief's sanction to occupy the unpeopled pastures of Natal. But when he pressed the matter, he was again told not to be hasty; he had come from a long distance, and must rest and amuse himself. After some days, a formal correspondence passed between himself and the chief,—Mr. Owen, the missionary, being the medium of communication, and writing at the chief's desire. In this correspondence, Retief reported the losses which the emigrants had sustained from Moselekatze; and Dingaan in reply stated that he had sent out his warriors to chastise Moselekatze, and acknowledged that some of the cattle taken belonged to the farmers, and offered to return them. Dingaan at the same time complained of an inroad having been made upon his country by some marauders, wearing clothes and having horses and guns, and passing themselves off as Boers. Sikonyella, a notorious freebooting Mantatee chief, was believed to be the offender; but Dingaan requested that Retief would prove his own innocence, as well as his friendship, by recovering and returning the stolen cattle, and if possible the thief; when his application respecting the land would be granted. Retief saw there was no help for it but to undertake this expedition. "What can I do," he wrote to his friends, "otherwise than leave our cause in the hands of the Almighty, and patiently await His will. He will, I hope, strengthen me to acquit myself of my difficult task as becomes a Christian; and although the duty which now devolves upon me through the misconduct of Sikonyella is by me particularly regretted, yet my hope is on God, who will not forsake those who put their trust in Him."

As soon as Retief had executed his commission, by compelling the Mantatee chief to restore the property of which he had plundered the Zulus,* he prepared for a second visit to Dingaan,

* Retief accomplished this object by enticing Sikonyella from his mountain fastness (the Wittebergen, near where Harrismith now stands), and detaining him as a prisoner until he purchased his release with the restoration of the cattle.

intending to take with him about 200 mounted men to make a demonstration before the chief. Maritz and others, however, disapproved of this, as they doubted Dingaan's friendliness, and feared that he would not let slip an opportunity of striking a blow when he found them, too confident of safety, trusting themselves in his hands, in his kraal and amongst his nation. Maritz, indeed, gallantly offered to go himself, attended by only two or three men, observing that "if they were destroyed, it would be quite enough." Retief then agreed not to issue an order for anyone to accompany him, but left it for such as might please to volunteer for the purpose.

In the beginning of February 1838, he left the encampment of the emigrants, who had then crossed the Drakensberg into Natal, and were commencing to separate into small parties about the Blaauwkrantz and Bushman Rivers. His followers embraced the youth and chivalry of the emigrant band, the list containing the names of Greyling, Meyer, Oosthuysen, Scheepers, Jordaan, Hugo, Malan, Labuscagne, De Klerck, De Beer, Botha, Pretorius, Klopper, Grobbelar, De Wet, and Roberts. They numbered about seventy persons, armed and mounted, with thirty attendant "achter ryders," or servants, with led horses. On their departure they received the admonitions of several of their relatives and friends, to be cautious, and however well-disposed they might find Dingaan, never to be unarmed or off their guard.

The wisdom of these admonitions was verified by the appalling events which followed. Dingaan's reception of them was characteristic of a savage barbarian. Base and treacherous, suspicious of his visitors, jealous of their power, and dreading the neighbourhood of their arms, yet unwilling to attack them openly,—he massacred them clandestinely. The particulars of their tragic fate have been described in horrible detail, both by the European missionary (Owen), and his interpreter (Wood), who were enforced witnesses of it. On the 3rd February, Retief and party arrived at Umgungundhlovu, bringing with them the cattle which they had taken from Sikonyella. An immense concourse of Zulus

were assembled to receive them. Dingaan, apparently satisfied and pleased with the recovery of the cattle, feasted his visitors, who exhibited their military manœuvres on horseback, while the Zulu regiments again represented their mode of warfare and dancing. Mr. Owen, at the request of the chief, drew up a document by which he granted to Retief the country between the Tugela and the Umzimvooboo, just as freely as he had granted the same country some time before to Lieut. Farewell, Captain Gardiner, and others of his visitors. Things being thus amicably arranged, on the 6th of February Retief was about to take his leave, when Dingaan invited him and his party into his cattle kraal, to witness a war dance, requesting them to leave their arms at the entrance with their servants and horses. With this request the unfortunate men complied. Unsuspicious of harm, they were seated on the ground, partaking of native beer supplied to them, and witnessing the sham fight of the Zulus, who were advancing in a circle near to them, when suddenly, at a preconcerted signal, an overwhelming rush was made upon the farmers, before they could get to their feet. A message from the chief was at the same time sent to the missionary, assuring him of safety; but from the door of his hut he witnessed the dreadful spectacle of the Zulus dragging their helpless unarmed victims to the ordinary place of execution, a blood-stained hill, the death-place of thousands who had been sacrificed to the caprice or fury of the chief. Mr. Owen and the interpreter, together with the American missionaries who were then in Zululand, fearful of other evils at hand, decided at once to leave the country, and after some difficulty were allowed to depart, and happily reached the Bay of Natal, where they took ship for Port Elizabeth.

Immediately after the massacre, Dingaan sent out his forces against all the emigrants on the eastern side of the Drakensberg. The Zulu army knew their position well, and attacked both the encampments, situated at the Blaauwkranz River and the Bushman River, about ten miles apart, at the same moment. The

onset was made before daylight, and many of the farmers at the outposts were butchered ere they awoke, and others only opened their eyes to close them again for ever. The foremost scattered wagons were first surrounded, and the cries of the women and children mingled with the report of the few shots that were fired now and then. So perfectly taken by suprise were the encampments, that not a few of the parties in the vicinity upon hearing the shots, congratulated themselves upon the circumstance, thinking that Retief and his followers had returned, and were firing a salute. No preparation for defence was made until breaking dawn enabled them to see their ferocious enemies in dense masses around them. Then every one flew to arms, and a resolute resistance was offered. Maritz, who was with one party, called the people together, ordered the women to drag the wagons close to each other, and then hastened with a few armed men to meet the foe, who had commenced attacking the wagons in advance of them. Nor was his wife idle; she jumped out of her wagon and quickly followed her husband, carrying in one hand a bag of powder, in the other a bag of shot, and accompanied by her daughter, aged 13 years, also laden with ammunition. Many others of the women likewise ran the gauntlet of the enemy, carrying powder and shot, and encouraging the men. No wonder that their kindlier natures were changed, for the word "mercy" was unknown to their assailants, who barbarously speared old and young alike, seizing even helpless babes and dashing their brains against the wagon-wheels. "Oh dreadful, dreadful night, when so much martyr blood was shed," is the entry in the journal of one of the survivors; "it was almost unbearable for flesh and blood to behold the spectacle next day, when the mangled corpses of the dead were removed and buried." Throughout the camps a hundred widows mourned for their husbands and their children slain. The township which has since arisen near the scene of the conflict, still bears the appropriate name of Weenen—the place of wailing or weeping.

As soon as Uys and his party, who were on the west side of the Drakensberg, heard of the disasters which had befallen those who had gone before, they immediately followed, in order to render any assistance in their power. Uys was a man of good abilities, and regarded by many as the best qualified to take the place of Retief; but there were others who favoured Maritz, and a third party were partial to Hendrik Potgieter as a leader. The jealousy between the adherents of each of these men threatened a division among the whole body: but Maritz finding himself opposed gave way to Uys, and Uys in turn agreed that Potgieter should be equal in command. They mustered a force of about 800 men, young and old, ready for action, on the 5th April, the date decided by Uys and the English settlers at the Bay, who agreed to co-operate with them in punishing Dingaan for his treachery. The farmers' movements all along their march were watched by Zulu spies, who adroitly decoyed them into an open basin, where two or three regiments were drawn up in column, and the ravines on all sides filled with others ready to fall upon the rear. The Boers, seeing the enemy before them, gallantly rode up to the main body until within twenty yards, and then fired, causing them to disperse in confusion. In pursuing, they committed a great mistake by separating into small parties, and the consequence was that they found themselves surrounded. Uys perceiving some of his party in extreme danger, charged against the foe with a mere handful of men and drove a whole regiment before him; but on returning to join the rest, another large body of Zulus, who had concealed themselves in the gullies on each side of him, rushed upon him and his few brave followers, and killed seven. By this time Potgieter had begun to retreat. Uys and his son, a youth of about 14 years old, had as yet escaped unhurt; but whilst the former stopped his horse to sharpen the flint of his gun, the enemy approached and threw an assegai at him, which wounded him mortally in the loins. He, however, pulled out the weapon, and even took up another man, whose horse was knocked up, behind

him; but he soon fainted from loss of blood. Recovering again, he was held on his horse for some distance by a man on each side of him. At last he declared that he felt his end approaching, and desired to be laid on the ground. He then said to his son, and the other men about him, "Here I must die, you cannot get me on any further, and there is no use to try it. Save yourselves, but fight like brave fellows to the last, and hold God before your eyes." Upon this they left him, but not before they saw that to remain longer on the spot would be certain death. After galloping for about 100 yards, the younger Uys, on looking round, saw the enemy closing in numbers upon his dying father, and at the same moment he perceived his father lifting up his head. This was too much for the feelings of the lad; he turned round his horse, and alone rushed upon the enemy to compel them to retreat, and shot three Zulus before he was hemmed in by overpowering numbers and killed.

Although Landman, Joubert, and others strove hard to recover their position, the Boer force ultimately had to retire defeated, Potgieter taking the lead in the retreat; and after some time the Zulus halted and gave up further pursuit. The coast force, composed of the English settlers under the leadership of R. Biggar, and accompanied by a number of natives, refugees from the tyrannic rule of Dingaan, were equally unfortunate. A portion of the Zulu army, which was lying in wait for them, surrounded and defeated them after a murderous engagement in which nearly every European lost his life. The Zulus followed up their success and advanced as far as the port of Natal; but the few settlers left there, together with the missionaries, escaped by taking refuge on board a vessel, the *Comet*, then luckily lying at anchor in the harbour.

The condition of the emigrants for some time after this was miserable enough. The necessities of the widows and orphans pressed heavily upon them, and when the winter months set in they had to endure much privation and distress. Messengers

were sent out to the farmers west of the Drakensberg, appealing for aid; they met with fair promises, but no speedy fulfilment of them. The Governor of the Cape Colony sent word to them to return, and not a few of the Boers manifested a disposition to comply with the invitation; but on referring the matter to their wives, these heroines utterly refused to go back until vengeance should be taken on Dingaan for the innocent blood he had shed. Tired of living in camp—in parties of 50 to 100 wagons, with their horses, cattle, and sheep—it was resolved to try their fortune once more, and a "commando" was organized to go against the Zulus before the close of the year.

The community was strengthened in the month of November, 1838, by the arrival of Andries Pretorius—a farmer from the district of Graaff Reinet, of portly presence, shrewd energetic character, and possessed of considerable reasoning ability and conversational powers, which secured him high distinction as a politician. He was immediately chosen their leader under the title of Chief Commandant, and a force of about 600 men assembled under his command, officered by Carel Landman, Pieter Jacobs, Jacobus Potgieter, De Lange, and Erasmus. They crossed the Tugela into Zululand, sending out spies to scour the country, in order to ascertain the position of the enemy. Not meeting with any interruption, they proceeded on towards Dingaan's place of residence. The journal of one of the members of the expedition gives an interesting account of their doings from day to day. Whenever the camp was pitched it was surrounded by the wagons, fifty-seven in number; all the cattle were brought within the enclosure, the gates shut, and night patrols set. Religious worship was regularly kept up, morning and evening, and even oftener. These services were conducted, with appropriate hymns and fervent prayer, by one of their number, Saarl Cilliers, a church-elder of the old Huguenot stamp, or like one of Cromwell's Ironsides, always ready to rise from bended knee and charge the enemy in the name of the Most High. The chief commandant

himself sometimes addressed the commando "with great feeling, exhorting them to behave with courage and place their reliance on God." Before the whole congregation he proposed a vow, which was unanimously accepted, "that should the Lord be pleased to grant them the victory, they would raise a house to the memory of His great name, wherever it should please Him, and note the day in a book to make it known to their latest posterity."*

On Saturday, the 15th December, the Boer patrols discovered the Zulu army in front of them, whereupon they returned to the camp, and made it secure. The next day, Sunday, was intended to be observed peacefully; but at early dawn of morning the enemy was seen approaching in dense masses, to the number of nine or tenthousand. They stormed the camp, endeavouring to tear open the defences; but the cannons discharged from every gate, as well as the deadly fire of the defenders, rapidly decreased the numbers of the besiegers. After two hours fighting, the commandant, afraid of falling short of ammunition, ordered the gates to be opened, and a charge to be made on horseback. This was done, and the Zulus were routed and scattered in every direction. Upwards of 3,000 were reported slain; while the farmers had only three or four men killed, and as many wounded,—one of the latter being Pretorius, who had his hand pierced with an assegai. Fresh supplies of ammunition were issued, the cannons and guns were cleaned, and prayers and thanksgiving offered up; and next day the commando proceeded on to Dingaan's residence. They found the place deserted, and the kraals of the chief, as well as the principal part of the town, burnt down. Horrible evidences of the massacre of their friends surrounded the spot where they encamped. Their remains lay in heaps, and the skeleton of Retief was recognized by some portions of his clothes still attached to it, and his leathern hunting-bag, containing the document executed

* The Dutch Reformed Church was one of the first buildings erected at Pietermaritzburg, in fulfilment of this solema undertaking.

by Dingaan as the cession of the land between the Tugela and the Umzimvooboo. The bones were gathered together and buried.

Dingaan, with the remnant of his force, retired further into Zululand. There, soon afterwards, his brother Panda revolted, fled with a large following into Natal, and sought the protection of the Boers, who gave him the rank and title of Prince of the Emigrant Zulus. Another and final expedition was made against Dingaan in January, 1840, the farmers having Panda with 4000 of his best warriors as an ally. Most of the work fell to the lot of this native contingent, and by the 10th of February Dingaan was a fugitive in the country of a hostile tribe, by whom he was shortly afterwards killed, and the emigrant farmers were encamped on the Black Imfolosi river, the conquerors of Zululand. On that day Panda was appointed and declared to be "King of the Zulus," in the name and behalf of the Volksraad at Pietermaritzburg, where the Boers established their seat of government as the "South African Society (Maatschappy) of Port Natal." Four days afterwards a proclamation was issued at the same camp, signed by Pretorius and four Commandants under him, declaring all the territory between the Black Imfolosi and the Umzimvooboo rivers to belong to the emigrant farmers. "The national flag was hoisted," says a chronicler of the proceedings, "a salute of 21 guns fired, and a general 'hurrah' given throughout the whole army, while all the men as with one voice called out, 'Thanks to the Great God who by His grace has given us the victory.'"

The conquest of the "promised land" being thus accomplished the emigrants thought their troubles pretty well at an end. Tired of their nomadic life, and the insecurity and hardships accompanying it, they sighed for peace and repose. But unexpected difficulties of another, and to them more formidable, character than any they had yet encountered presented themselves.

The Government of the Cape Colony had witnessed their departure beyond the border without placing any check in their

way, or using any coercive measures to stop it. True, they employed a field cornet—Mr. Joubert, a man highly respected and known to most of them—to endeavour to reason them back as mistaken and misguided children, but unfortunately without any effect. The attention of the Secretary of State had also been directed to the movement, and he announced the determination of the Imperial Government to permit of no further British colonization, or the erection of any independent states by its subjects, in this part of South Africa. But when, at the close of 1838, authentic intelligence was received of the bloodshed and devastation which had followed upon the massacre of Retief, the position of the emigrants began to be regarded as pregnant with evil not only to themselves but to the future peace of the European colonists generally. Sir George Napier, the Governor of the Cape, was therefore induced to despatch an expedition to Natal, and to throw the shield of military power over the inhabitants, civilized and uncivilized, in that unhappy region.

His Excellency issued a proclamation stating that the sole object of the Government was "to secure by such occupation the power of effectual interference in maintaining the peace of Southern Africa by such means and to such extent as shall hereafter appear necessary, and that for such end the occupation shall be purely military and of a temporary nature, and not participating in any degree of the nature of colonization as annexed to the crown of Great Britain, either as a colony or a colonial dependency." The proclamation further stated that His Excellency considered the occupation of the territory of Natal by the emigrants "unwarrantable," and the atrocities which had been committed, as "participated in, if not originated by, their acts," and directed all arms and ammunition of war to be seized, and the port to be closed against trade, except such as had the licence of the Government of the Colony. These words aroused angry feelings among many of the inhabitants of the colony, whose sympathy for their unfortunate self-expatriated countrymen had naturally enough been excited by the hardships and sufferings which they had undergone.

The armament despatched consisted only of 100 men of the 72nd Highlanders, under Captain Jervis, and ten men and an officer of Artillery. The civil and military command was given to Major Charters, R.A., who was ordered to use his utmost efforts to stop the effusion of blood, prevent aggression and protect the oppressed, but without having recourse to military measures, unless in case of resistance to his landing, or attack on his position. He was at the same time empowered to use the commissariat stores for the relief of any of Her Majesty's subjects whom he might find in a state of destitution. On his arrival at Natal he found a few English settlers there, who had collected about them a number of natives, over whom they had constituted themselves petty chiefs. The most of the emigrant farmers were absent in the commando against Dingaan, but a few men were left in charge of the camp with the women and children and their cattle. Major Charters says:— "The Boers, in these camps, had built huts for themselves; a few of them were tolerably comfortable, but generally speaking, there existed every indication of squalid poverty and wretchedness; and it was deplorable to see many families, who, but a short time previously, had been living in ease and comfort in the colony, now reduced to poverty and misery. They bore up against these calamities with wonderful firmness, however, and, with a very few exceptions, showed no inclination to return. They considered themselves unjustly and harshly treated by the Colonial Government whilst under its jurisdiction, and all they now desired from it was to leave them to their own resources and not again molest them. This spirit of dislike to English sway was remarkably dominant amongst the women. Many of these, who formerly had lived in affluence, but were now in comparative want, and subject to all the inconveniencs accompanying the insecure state in which they were existing, having lost moreover their husbands and brothers by the savages, still rejected with scorn the idea of returning to the Colony. If any of the men began to droop, or lose courage, they urged them on

to fresh exertions, and kept alive the spirit of resistance within them." Major Charters left the encampment in command of Captain Jervis, returning to the colony by the overland route through Kafirland.

Shortly afterwards the Boers returned from their expedition against Dingaan, and they were informed by Captain Jervis of his mission, the occupation of the port, and the seizure of the ammunition found there, which he was ready to give up upon their engaging not to use it in aggressive hostilities against the natives. To this the "Assembly of the People" sent a reply that they were at peace with the natives, and that their intentions were of the most pacific character, but they refused to sign any declaration, to obtain back their own lawful property, and they protested against the possession of the port by the British Government. The requirement made, and the refusal to comply, might have produced disastrous consequences, considering the weakness of the military force; but the moderation of the British commander counteracted all ill-feeling, and a friendly intercourse was maintained with the people until at the close of 1839, when the Government ordered the withdrawal of the detachment. Captain Jervis, on taking his departure, said: "It now only remains for me to wish you, one and all, as a community, every happiness, sincerely hoping that, aware of your strength, peace may be the object of your counsels; justice, prudence and moderation be the law of your actions; that your proceedings may be actuated by motives worthy of you as men and Christians; that hereafter your arrival may be hailed as a benefit, having enlightened ignorance, dispelled superstition, and caused crime, bloodshed, and oppression to cease; and that you may cultivate those beautiful regions in quiet and prosperity, ever regardful of the rights of the inhabitants, whose country you have adopted, and whose home you have made your own."

The withdrawal of the troops was at once taken by the emigrant farmers to be an abandonment of the territory by Great Britain,

and a tacit permission to them to establish their own independent power. They forthwith occupied the deserted buildings at the Bay, fired a salute, and hoisted the flag of the "Republic of Natalia." The rude form of government they had previously was set aside, and they proceeded to constitute one according to their own views and wishes. They adopted the laws of Holland as in force in the colony, except in matters of a local nature—which were regulated by the resolutions of their general representative council or "volksraad." Pietermaritzburg, named after their first leaders, was laid out as the chief town, in the form of a parallelogram, a mile and a half in length and a mile in breadth. Farms were allotted to the people; buildings were commenced, and ploughing, sowing, and planting actively entered upon. Their Council, meanwhile, were eager to learn whether their independence would be acknowledged by the Governor of the Cape Colony. A memorial was addressed to him, praying "the honoured Government of Her Majesty the Queen to recognize their settlement as a free and independent state, under the name of the Republic of Natal and Adjoining Countries;" promising at the same time not to make any hostile movement to the detriment of the natives, and to give every encouragement to the spread of Christianity and civilization amongst the heathen. The application called forth a reply, that Her Majesty could not acknowledge a portion of her own subjects as an independent republic; but that, upon their receiving a military force from the Cape their trade would be placed upon the footing of a British possession. On the receipt of this communication, the leaders of the emigrants re-asserted that they were Dutch South Africans by birth; that immediately after they had left the colony they had published their independence, and consequently ceased to be British subjects, and they were inclined to remain upon the same footing in the country which they had by their own sufferings legally acquired. They were further encouraged in the idea of forming a South African Commonwealth, by the arrival at Port

Natal of a vessel from Holland, with supplies, and the assurances of the captain and supercargo that the protection of the King of the Netherlands would be given to them. These unaccredited individuals were forthwith welcomed and feasted with all possible honour, and one of them, carried away by the attentions paid him, promised, on behalf of his king, every necessary political, military, clerical, and commercial help to their entertainers.* The simple, ignorant Boers, whose enthusiasm was highly excited by these exaggerated statements, subscribed a sum of money to enable the supercargo to return to Holland direct, and secure the interposition of that country in favour of their independence. Passing through the colony, he was arrested, and after undergoing an examination again liberated, as no definite charge could be brought against him.

The necessity of the Government putting forth its authority was now urged upon every hand. The merchants of the Cape Colony had repeatedly pressed the proposal made by them in 1834, that possession should be taken of Natal, on a fair and just basis, with a view to the extension of colonization and trade. At home the Aborigines' Protection Society had also advocated the step in the interests of humanity and civilization, and had recommended the appointment of Sir A. Stockenstrom as a special commissioner to arrange matters, both on account of his acquaintance with the Boers, and his benevolent feelings towards the natives. But the Imperial Government was averse to any enlargement of the already extensive territory of the Cape of Good Hope. The additional expense of a new settlement, and the military force which its maintenance would entail, were still regarded as highly inconvenient.

While affairs were in this unsatisfactory condition, some pro-

* The representations made in the name of the King of Holland, were brought to the notice of the Dutch Government, who, in a despatch dated November 4, 1843, informed Her Majesty's Secretary of State that the disloyal communications of the emigrant farmers had been repelled with indignation, and that the King of Holland had taken every possible step to mark his disapproval of the unjustifiable use made of his name by the individuals above referred to.

proceedings of the emigrant farmers created alarm in the colony. Information was received of a commando having attacked the Bacca chief Ama Capai, near the sources of the Umzimvooboo river. The peace of the colonial frontier was considered imperilled by this act. Governor Napier, in consequence, pushed forward to the borders of Kafirland a detachment of troops from Graham's Town,—250 men, two field-pieces, and some of the Cape Corps, under command of Captain Smith* of the 27th regiment. After remaining for some time in the neighbourhood of the menaced tribes, the force was directed to proceed to Natal, to resume possession there in Her Majesty's name.

In the beginning of May, 1842, Captain Smith with his little army arrived in the vicinity of the Bay, near to where the town of Durban now stands. Having taken possession of the port, and signified the presence of Her Majesty's troops to the Boers, he received from them an order to "withdraw from their territories, as they were no longer British subjects, but an independent republic under the protection of the King of Holland." A burgher force of 300 or 400 men was at the same time assembled, and formed a camp at no great distance from the British position. They began to straiten and annoy the troops, and carried off a number of cattle belonging to them. Captain Smith determined to make a night attack upon their camp; and a detachment of his men, with two field-pieces, advanced for this purpose. His intention was to take them by surprise, so as to secure their arms, ammunition, and horses, and thus weaken them with as little bloodshed as possible. But the Boers, apprised of the design, adopted a counter-stratagem. They permitted the detachment to pass unchallenged, to some broken and bushy ground, when, in the clear moonlight, they suddenly poured upon them a heavy fire, causing severe loss to the troops,—fourteen men and an officer being killed on the spot, and about double that number wounded. The survivors, finding

* Now Lieut.-Gen. T. B. Smith, one of the few survivors of Waterloo, where he served in the 27th regiment.

themselves overpowered, returned to their camp, where they were followed and surrounded by the Boers, who took the guns at the port, and seized the few English soldiers and residents, sending some of them as prisoners to Pietermaritzburg. At this juncture, happily, Captain Smith was able to get a despatch forwarded to the Cape, representing his position and asking for reinforcements. The messenger was an English colonist named Richard King, who travelled through the heart of Kafirland,—a distance of 600 miles,—in ten days. The Governor instantly organized an expedition for the relief of Captain Smith, who in the meantime maintained his position with enduring courage and true military spirit. For a whole month he was hemmed in by the farmers, who continued their attacks and bombardment from day to day. The besieged several times sent out sorties against them, and fought with great gallantry; but provisions in the little camp (where there were no less than twenty-six wounded) were falling low;—half-allowances of biscuit-dust and rice, with execrable water, had to be issued; and the horses killed were cut up and the flesh made into *biltong* (dried meat). With these supplies they were prepared to hold out to the utmost extremity, rather than surrender to the terms of the insurgents. On the night of the 24th June, however, several rockets from seaward assured them relief was nigh. The reinforcements sent from the Cape by H. M. S. 'Southampton' and the 'Conch,' numbering some 700 men, were soon landed. The Boers fired upon the open boats with the troops as they were entering the narrow channel to the harbour; but a few shells from the 'Southampton,' anchored outside the bar, silenced them; and when they saw the soldiers on the beach, pulling down their "national" flag, the hostile bands dispersed, retiring in the direction of Pietermaritzburg.

Lieutenant-Colonel (afterwards Sir Josias) Cloete, who was in command of the relief expedition, offered a free pardon to all the farmers who were willing to return to their allegiance, with the exception of such as had by their conspicuous criminality

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forfeited all claim to clemency. The exceptions were Pretorius, Prinsloo, Burger, and Breda; and of these, Pretorius was subsequently included in the general amnesty granted. The commander followed up the insurgents to their chief town, Pietermaritzburg, where the Volksraad, at a special meeting convened on the 5th July 1842, formally tendered their submission to Her Majesty the Queen. By the terms of the pacification, they were permitted to return to their homes with their guns and horses; they were assured protection from any attacks of the Zulus; and that the tenure of the lands occupied by them should not be interfered with, pending the determination of the pleasure of Her Majesty. Their existing civil administration and institutions were also left in full operation, with the exception of jurisdiction over the port, which was held in military occupation until reference was made to the Home Government. Colonel Cloete's work was speedily done, occupying not more than two weeks. His prompt conclusion of it was deemed highly satisfactory, but the leniency he had shewn the insurgents, and the terms conceded to them, met with disfavor among many of the colonists, who could not forget the sacrifice of life occasioned by these misguided men. The Queen's Ministers, however, entirely approved of Colonel Cloete's proceedings, and confirmed the same, believing that the moderation and leniency exercised towards the Boers would turn their former hatred to the Government into steady fidelity.

In December 1842, Lord Stanley, who was then the Secretary of State, announced the course to be adopted in dealing with the territory and the numerous population thus brought into submission and allegiance. "Notwithstanding all the faults of which the emigrants have been guilty," he said, "I cannot be insensible to their good qualities, nor to the past hardships which they have undergone." He then proceeded to inform them that Her Majesty had been graciously pleased to bury in oblivion all past transactions, and invited the unreserved expression of their opinions and wishes in respect to the institutions under which they desired to

be placed, with an assurance that such expressions should receive most favourable consideration, and that the contentment of the emigrants, rather than the abstract merits of the institutions, should guide the decision of the government. Three essential conditions, however, were required to be recognized and agreed to, as indispensable preliminaries to British protection, viz.,—1. That there should not be in the eye of the law any distinction or disqualification whatever, founded on mere distinction of color, origin, language, or creed; but that the protection of the law, in letter and in substance, should be extended impartially to all alike. 2. That no aggression should be made upon the natives. And 3. That slavery in any shape or under any modification was absolutely unlawful.

The Hon. Henry Cloete (afterwards Recorder of Natal, and later the senior Puisne Judge of the Cape Colony), was delegated by Governor Napier as a special commissioner to communicate to the emigrant farmers this policy of Her Majesty's Government, and also to enquire into and report upon all claims to land in the new settlement. Upon his arrival at Pietermaritzburg, he found the country still in a very unsettled state, many of the more violent and evil-disposed Boers endeavouring by threats and clamour to intimidate the loyal and well-affected part of the community. He, however, submitted to the Volksraad the conditions expressly required from the emigrants before the privileges vouchsafed by the Queen would be conceded; and, after a protracted sitting, the members forming that body unanimously expressed their acceptance of them.

On the 12th May, 1843, Natal was by proclamation declared a British colony, "for the peace, protection, and salutary control of all classes of men settled at and surrounding this important portion of South Africa."

VI.

Settlement of Natal and the Border States.

1842 to 1848.

Pioneers of the Transvaal—Trichard and Potgieter—Dispersion of the Emigrants—Disorders in the Orange River Territory—Proclamation by Judge Menzies—Governor Napier's Treaties—Hostilities between the Boers and Griquas—The Dragoon Guards at Zwart Koppies—Governor Maitland's Treaties—Appointment of a British Resident—Natal Affairs—New Government—Influx of Zulu Refugees—Apprehended danger from Native locations—Pretorius' Mission to the Cape Colony—His reception by Sir H. Pottinger—Sir Harry Smith's friendly policy—Interview with the Trek Boers—Proclamation of British Sovereignty over the Orange River—Pretorius' Rebellion—Battle of Boomplaats—Resumption of Sovereignty.

The assertion and declaration of British sovereignty in Natal sent numbers of the emigrant farmers back over the Drakensberg mountains. Many of them were irreconcileably opposed to the Government; others were apprehensive of the consequences of their share in the recent acts of revolt; and a few had personal reasons for retiring beyond the reach of law and authority. A portion of them settled down in the country between the Drakensberg and the Orange River, while the rest dispersed over the unknown territory stretching north-eastward beyond the Vaal River.

The first exploratory party under the Albany farmer, Louis Trichard, who penetrated the wilderness in that direction in 1834, had escaped the savage armies of Moselekatze, and succeeded in reaching Delagoa Bay; but there many of them, after the toils and hardships of their journey, succumbed to the unhealthiness of the climate. Out of eighty persons only twenty-five were found surviving, in a destitute condition, in 1839, and they were conveyed by sea to Natal, where their emigrant brethren welcomed them. The second attempt to occupy the country was more successfully made by Hendrick Potgieter, in April, 1838. After the engagement with the Zulus, when the brave Uys lost his life, Potgieter and his followers recrossed the Drakensberg and proceeded over the Vaal River, where they settled and established the town of Potchefstrom. They found no difficulty in taking possession of the territory, for the greater part of it was lying waste, the haunt of wild game and beasts of prey. The dreaded chief Mosclekatze had abandoned it, having fled north into the region between the Limpopo and the Zambesi rivers, where his tribe, the Matabele, under his successor Lobengulo now dwell. Those remaining were "weak and broken" people, ruined by Moselekatze. They welcomed the emigrants as their deliverers from that tyrant's cruel sway, acknowledging them as the governors of the country, and allowing them to appropriate whatever ground they required. As the emigrants found their strength increased by the accessions they received from Natal and the colonial boundary, they asserted more authority,—establishing their own form of government, under commandants, landdrosts, and field-cornets, and dictating to the natives encompassing them the laws which should prevail. These laws were similar in character to the regulations which applied, under the old Dutch Government, to the colored class in servitude within the colony,—namely, that they should, when required, give their services to the farmers for a reasonable sum; that they should be restricted from wandering about the country; and that no guns or ammunition were permitted to be in their possession

or bartered to them. Potgieter and his followers, in declaring their new government—the "Maatschappij,"—claimed absolute independence; and when a proclamation issued by Governor Napier reached them, stating that the emigrant farmers were not released from their allegiance to the Crown, and that all offences committed by British subjects up to the 25° of south latitude were punishable in the courts of the colony, they resolved to abandon Potchefstrom, and moved further northwards, forming new settlements at Zoutpansberg, Ohrigstad, and finally at Leydenburg, whence they contemplated opening communication with the Portuguese port of Delagoa Bay. In these remote wilds, now forming the Transvaal, they were left to work out their own destiny, without any interference or control.

The Colonial Government had matters enough to engage its attention nearer home. The Orange River Territory was threatened with all the evils of anarchy, confusion, and violence, similar to what had marked the earlier history of that part of the Border, when

> The fire-fraught firelock in the hand
> Was the only law of the desert land.

This unhappy condition of affairs was a natural consequence of the absence of any superintending authority among the various races, civilized, semi-civilized, and barbarians, who were jumbled together there, acknowledging no law but fiat of might, and no restraint but such as sprung spontaneously from their own unruly wills.

The native communities consisted of the Griquas, Basutos, Bastards, Korannas, Barolongs, and Mantatees; but the Griquas and the Basutos were the most numerous, and, being also the most powerful, their chiefs made claim to paramount dominion within the respective districts which they occupied. The emigrant farmers, who from time to time took up their abode amongst them, acknowledged the territorial right of these chiefs and people, by generally obtaining permission to reside there, or paying a rent for the occupation or lease of lands. The Griquas, with that want

of forethought and improvidence characteristic of the Hottentot race, were easily induced to part with their properties—of which they made little use themselves—for a stipulated number of years; but no sooner did they see the new-comers reap the reward of enterprise and industry, than they envied their prosperity, and sought to break the agreements entered into. Disputes consequently arose, and the Griquas referred the matter of complaint to their chief and his council; while the Boers, on the other hand, disclaimed being amenable to their jurisdiction.

This unsatisfactory state of things was aggravated by the influx of the discontented and disaffected from Natal. They and their brethren had conquered Dingaan and Moselekatze, the most powerful of the savage chiefs, and were disposed to treat contemptuously both native claims and native valour. They denied that the Griquas or Basutos had any more right to the lands than they themselves, and considered that at any rate the territory should be divided between them. One or two of the most violent endeavoured to incite the farmers to assert their independence; and with that object circulated stories that the Hollanders had arrived at Port Natal,—that they were supported by the French, and that all the English were destroyed. Such tales readily found credence with many of the poor Boers, whose condition at that time was very deplorable, having been for years without instruction, rarely able to see a newspaper or book (except the Bible), and entirely ignorant of anything happening beyond their own vicinity. A number of them were induced to follow the leadership of one Mocke, who, accompanied by a schoolmaster named Diederickse, marched through the country levying supplies, threatening the well-disposed, and announcing their intention of declaring their independence, and driving the Griquas into the Colony.

Adam Kok, the Griqua chief at Philipolis, at once appealed for help to the nearest British magistrate, at Colesberg. Mr. Menzies, one of the judges of the Supreme Court of the Colony, was there at the time. He postponed the sitting of the Circuit Court, and,

accompanied by the magistrate, crossed the boundary to remonstrate with the Boers on their proceedings. At a place known as Alleman's Drift, he met Mocke and his hostile band, who were bent upon placing a landmark there to define the boundary between the Colony and their new republic. Mr. Menzies admonished them, called them to their allegiance as British subjects, and concluded the interview by reading a proclamation issued under his own hand, declaring that he, in the name of Her Majesty, took possession of all that tract of country in Southern Africa lying to the eastward of 22° E. long., and south of 25° S. lat. The proclamation, however, being at variance with the instructions of Her Majesty's Government, was immediately afterwards repudiated by the colonial authorities.

This well-intentioned but most irregular proceeding on the part of the Judge, served temporarily to check the action of the Boers, but as soon as he had retired and re-crossed the river, they erected their beacon, declared the land their property, fired a salute from their guns, and rode off. Shortly afterwards the Government received information that a body of them had again assembled near Philipolis, overawing and threatening the Griquas. A military force was then moved from the frontier to the banks of the Orange river, to put a stop to the lawless state of society existing there. Col. Hare, the Lieutenant-Governor, accompanied the troops and arrived at Colesberg in January, 1843. He issued a proclamation declaring his intention of enforcing the unconditional submission to the Government of every British subject beyond the boundary, and offering a free pardon to all who at once returned to their duty, with the exception of those who had been the leaders of the late movement. A conference was held with some of the farmers, who signed the oath of allegiance, and stated the grievances of their brethren across the river. They complained that the colonial authorities allowed the Griquas to have the privilege of self-government, while they denied the same right to the farmers; and they urged that their claim to the country was quite as good as

that of the Griquas, who, like themselves, had emigrated from the colony on the same errand, although perhaps a few years earlier. To all of which the Lieutenant-Governor replied, that the Government was the natural protector and guardian of the native tribes, and any one found injuring them would be answerable for it to the proper tribunals. The farmers, he added, were British subjects, and if any of them were found fighting against British troops, under a foreign flag or under a flag of their own, he would hang them. After this prompt display of authority, the turbulent bands under Mocke, still unreconciled, moved off in the direction of the Vet River, and the remainder settled down quietly on their farms. The Lieutenant-Governor, and Colonel Johnstone with the troops, returned to their ordinary duties on the eastern frontier, leaving a small garrison of 100 men under Major Lamont at Colesberg to watch proceedings.

The advocates of native rights urged upon the Government at this time, that it would be advantageous to the peace of the border to enter into treaties with the Griquas and Basutos. The policy had been approved of many years before by Lord Aberdeen, when he was at the head of the Colonial Department. He had recommended the cultivation of a friendly intercourse with the principal native chiefs, in order to induce them, in return for small allowances or presents, to make themselves responsible for the good conduct of their followers. In accordance with this view, a treaty was entered into by Governor Sir B. Durban, in December, 1834, with Waterboer, by which the latter guaranteed the protection of his border from Kheis to Ramah. It was thought that similar treaties with Adam Kok and Moshesh would have the tendency to give them a position of power and importance in the eyes of the Boers. Sir George Napier, therefore, in 1843, concluded treaties with them, in effect corresponding with the one made with Waterboer. The terms were agreed to with the Rev. Dr. Philip, in Cape Town, being afterwards forwarded to the chiefs for their signature. Adam Kok engaged to protect the position of the colonial border opposite

his territory, extending from the neighbourhood of Ramah to that of Bethulie. Moshesh also engaged to preserve peace in his country,—his boundary being described "on the west from the junction of the Caledon with the Gariep River, to the sources of those rivers near the Bouta-Bouta; on the south by the Gariep, and the north by a line extending from about twenty-five to thirty miles north of the Caledon, except near to its source and at its junction with the Gariep, where the lands of Bethulie and the territory of Sikonyella came close upon its northern bank." It was acknowledged, however, that there were questions in dispute as to the limits of Moshesh's territory, in which dispute Sir G. Napier declined to interfere, being satisfied that no declaration of his could add to or take away any part of the chief's claim.

The relations between the Griquas and the Boers did not improve after this. Their mutual dislikes caused a continual irritation and distrust, which offered at any moment to provoke a collision. Rumours of threatened attacks on one side or the other were perpetually circulating. Such was the excitement and alarm in 1844, that the people of Philipolis, seeing what they thought to be clouds of dust in the distance, prepared for hostilities, but on sending spies to ascertain the strength of the enemy, it turned out to be nothing more than a flight of locusts.

An actual *casus belli* at last occurred. The Boers, as already stated, disclaimed being amenable to Griqua jurisdiction, but such natives living amongst or near them, as they charged with committing crimes against them, were summarily tried and punished by themselves. One of these natives, who acknowledged Kok as his chief, complained of having been flogged by his master for a theft. The Griquas sent some men to arrest the Boer, to answer the charge, which being resisted, an exchange of shots took place. The Boers immediately went into "laagers" (or camps), and the Griquas concentrated their forces round Philipolis. For some months the warfare carried on was nothing more than mere skirmishing. The combatants separated into small detachments,

endeavouring to surprise and plunder one another, or exchanging long shots, without any casualties occurring. On one occasion (says a chronicler of the period) the opposing parties were firing at each other from elevated ground, on each side of an open plain, where a herd of springboks or wildebeeste were quietly grazing between, heedless of the danger.

In 1845, a portion of the Boer commando attacked Philipolis, captured some of the mission cattle, and two Bushmen herds in the employ of Adam Kok were wantonly shot down. The Civil Commissioner of Colesberg hearing of these outrages, crossed the Orange river, and made a demand upon the Boers for the individuals who had shot the Bushmen, and for the return of the cattle captured from the Griquas. These demands were refused; and the Government immediately took action against the Boers as the aggressors. A company of the 7th Dragoon Guards, under Lt. Col. Richardson, and a few of the Cape Mounted Rifles, were moved forwards from Fort Beaufort, to co-operate with the infantry force (the 91st Regiment) at Colesberg. Colonel Richardson, on arriving at the Orange River, finding that the negociations of the Civil Commissioner with the insurgents had been unsuccessful, at once advanced by a rapid march towards Philipolis. The main part of the farmers' camp was at a spot named Zwart Kopjies, about thirty miles north of Philipolis. The Griquas were in the act of engaging them, when to their surprise, the Dragoons with their gleaming swords made their appearance. The Boers, panic struck, instantly dispersed and fled to a rocky ridge, where they essayed to make a stand. They were quickly driven from that position, and pursued across the plain, where, but for the forbearance of the attacking party, who charged them in extended order, they must all have been cut down. Most of the fugitives sent in flags of truce the same evening, stating their willingness to submit to any conditions which the Government might impose upon them as British subjects. Two English deserters were amongst the prisoners taken; and on the ground which the insurgents occupied

a three-pounder gun was found placed ready for action, but before it could be brought into position it was seized, and the driver, a Frenchman, shot through the head. The Boers who gave in their submission declared they had never any intention of taking up arms against the British troops: their quarrel, they said, was only with the Griquas, who had assumed an insolent bearing towards them, from the countenance and encouragement afforded by the Colonial Government. The infatuated leaders of the insurgents,—Mocke, Kok, du Plooy, and Steyn, declined to surrender, and with embittered feelings towards British authority, retired northward, in the direction of Winburg.

Sir Peregrine Maitland, the governor of the colony, who was in Cape Town when these commotions occurred, travelled with all haste to the northern boundary, accompanied by the Attorney-General, Mr. Porter. His object was to settle the existing and prevent any further disputes, but without, if possible, extending British dominion. His excellency held conferences at Philipolis with Adam Kok, and afterwards at his camp at Touwfontein with the chiefs Moshesh, Moroko, and others, whom he induced to conform to regulations which he thought would avert any collisions between themselves and the inhabitants of European extraction. His plan was to distinguish and mark off the lands to be held by the natives from those to be held by the Boers, giving the Boers duly-recognised leases of the lands they occupied, on payment of a quit-rent, out of which the expenses of a government officer, to be an umpire amongst them, was to be paid, and the remainder to go to the chiefs representing the tribes, as owners of the country. The natives were thereby assured an equivalent for their waste lands, and protection from aggression on the part of the farmers. With Adam Kok and the Griquas a formal treaty to this effect was concluded in 1846. Their territory was divided into two portions, designated the Alienable and the Inalienable; the former to be open to lease or purchase by any colonists or persons of European extraction,—the latter to be let or sold only to Griquas. The

conditions of occupation in the Alienable ground were, that the parties derived their rights from a just and bona-fide contract; that they fulfilled the stipulations of that contract; that they professed true allegiance to the Queen; and that they undertook to pay the annual assessment on their holdings to the British Resident. It happened, however, that many of the Boers were at that time settled on the lands defined as "Inalienable;" and as they could not at once be removed, their rights under their contracts were defined as forty years' leases, from the date of the commencement of the occupation, after the expiry of which they were to be obliged to quit altogether. Some of these people had built upon, enclosed, irrigated, and cultivated their holdings, yet no provision was made for appraising or compensating them for their industry and enterprise; while the Griquas anticipated with eagerness the time when such properties would revert to them. Thus a source of future trouble was left untouched. Nevertheless, the measures adopted, and the appointment of a British Resident, with a small force to support his authority in the arbitration of disputes between the white and the native population, were regarded at that time as a satisfactory settlement of the Orange River difficulty.

We now again turn to Natal, once more unhappily threatened with confusion and disturbances, from the unaccountable delay on the part of the Imperial Government in deciding upon the affairs of that new settlement.

During the interregnum from 1843 to 1845, the gallant defender of the camp at the port—Captain Smith, who had received promotion to the rank of Major, held occupation as military commandant; while the Volksraad, elected by the emigrant farmers, as the House of Representatives of the people, attended to all civil and judicial matters. The uncertainty as to the intentions of the British Government,—whether it would abandon or retain the colony; the divided form of administration permitted to exist, and unfulfilled promises regarding claims to

land, created much dissatisfaction. There was also distrust and alarm occasioned by the influx of thousands of the savage Zulu tribe, who were permitted to live in a state of unrestrained freedom.* Ever since the presence of the British troops in Natal, these natives had sought refuge in the colony, pouring in across the border to escape the tyranny and cruelty of their chief Panda, who appeared to follow the system of indiscriminate murder for which his predecessors had been distinguished Their overwhelming numbers created a feeling of general insecurity; and the occupants of farms abandoned their isolated positions, declaring that all the evils of the Cape Kafirland were being reproduced around them. The Boer Volksraad, after considering the matter, passed a resolution requiring the Zulus to remove beyond the northern and southern frontier within fourteen days after receiving notice to do so; and they asked the military commandant to co-operate in putting the order in force. To such a sweeping measure, however, Major Smith objected. His special instructions from the Governor of the Cape were to prevent any violent proceedings on the part of the farmers towards the natives. and he urged the Volksraad to wait patiently until the plans for the future management of the settlement were made.

At length, in 1845, Sir Peregrine Maitland received final instructions from the Secretary of State to constitute the territory of Natal a separate government, under a Lieutenant-Governor and Executive Council. He appointed Mr. Martin West, Civil Commissioner of Albany, as Lieutenant-Governor, and that officer reached Pietermaritzburg in December of the same year. The European population of the colony was then almost reduced to its original elements; there was little trade and very little revenue.

* Judge Cloete, in his report to Governor Napier on the condition of the natives in Natal in 1844, stated that the native inhabitants would appear to have amounted, on the first occupation of that territory, to no more than 3,000, of whom upwards of 2,000 had placed themselves under the protection of the Europeans at the port. The remainder were found by the first emigrants scattered and dying from starvation. But within two or three years afterwards, an influx of Zulus took place, to the extent of from 80,000 to 100,000. These have since increased and multiplied to between 300,000 and 400,000 in 1876.

About one hundred thousand natives were spread over the country, and their numbers were being continually augmented. The emigrant farmers, on the contrary, were daily diminishing, the disposition to "trek" once more becoming general; and of those who remained, some were obstinately disaffected, and others aggrieved, because no provision was made in the new constitution for representative government, while very extensive discontent prevailed in consequence of the unsatisfactory settlement of land claims and the long delay in issuing titles. To meet the political circumstances of the country, Mr. West urged the increase of its defensive and protective force; which Sir Peregrine Maitland promised, but unfortunately the Kafir war, in which the Cape colony soon after was engaged, prevented the promise being fulfilled. Meanwhile, to check the Boer migration, which threatened to allow the settlement to lapse again to the undisputed possession of the savage,—the regulations respecting the grants of land under the proclamation of 1843 were relaxed, and discretionary power given to the Lieutenant-Governor to issue titles to any desirable claimants; to enlarge the size of the farms from 2000 to 6000 acres; and if the applicants had not the means, to advance the expenses of survey in certain cases. These concessions were only partially successful. The difficulty of protection against the increasing black population still remained; and the feeling of insecurity was intensified by the report of a commission appointed to consider plans for bringing the natives under proper management and control.

The commission consisted of Mr. T. (now Sir Theophilus) Shepstone, who had for several years before had sole control of the Fingoes on the Cape frontier; Dr. Stanger, Surveyor-General; Lieutenant Gibb, R.E.; and the American missionaries, the Rev. Messrs. Adams and Lindley. The plan recommended by them was in accordance with the suggestion previously made by Mr. Cloete, that the natives should be placed on reserves, each to comprise from 10,000 to 12,000, in different parts of the district. But its essential

feature was to establish at once among these communities qualified European functionaries to control and guide them through the serious ordeal incidental to their progress from barbarism to civilization. Upon this depended all the success of the scheme, and the safety of the colony. The carrying out of it, however, required money, and no money was to be had. The ruling policy of the Government,—said Earl Grey, who was then Secretary of State,—was to regard the question of expense; and the local authorities were clearly given to understand that it was absolutely necessary they should confine their views to the accomplishment of such gradual improvements in the social state of the district as might be introduced, without looking to the mother country for pecuniary assistance to more than a very moderate amount. This settled the matter. The natives were left to themselves in their locations in the enjoyment of their laws, customs and usages, with none of the restraints of civilization beyond what the teaching of Christian missionaries induced them to accept, or the single efforts of Mr. Shepstone, as the head and centre of native administration, was able to accomplish. The result has been such troubles as the recent Langalibalele outbreak, and the Secretary for Native Affairs' bitter retrospect in 1875: "By neglecting to invest money in the profitable occupation of improving, we have been forced to lavish it in the unproductive, miserable, melancholy work of repression; and the necessity for this last kind of expenditure will increase in the exact proportion in which we continue to neglect the first."

The emigrant farmers still remaining in Natal in 1847, looked upon the formation of these native locations as disastrous and dangerous in the highest degree. They regarded the destruction of the scattered white population as inevitable, the moment the natives were unanimous in determining it. They therefore made preparations for abandoning the colony, and joining their brethren beyond the Vaal River, or moving further into the interior. But before finally carrying out their intention, it was decided by a

number of them to make an appeal to the new Governor of the Cape Colony, who had come out armed with special authority as Her Majesty's High Commissioner for the settlement and adjustment of affairs in the territories adjacent to the frontier.

Mr. Andries Pretorius, their former commandant and representative in the Volksraad, was deputed to proceed on this mission. He travelled on horseback overland through the Orange River territory to the colony. On his way he met the disaffected emigrants, who, under the leadership of Commandant Kok, had their head-quarters at Winburg; and one of their number, C. du Plooy, was commissioned to accompany him, to give the High Commissioner information respecting the condition of that part of the country. The state of the weather and flooded rivers made their journey a long and fatiguing one; but they arrived at Graham's Town about the middle of October. Sir Henry Pottinger, who had succeeded Sir Peregrine Maitland as Governor, was there, and they at once applied to him to grant them an interview, and to give his patient attention and consideration to the subject of the communications they had to make. The answer they received through the Governor's Secretary was cruelly disappointing. His Excellency refused to see them personally. Mr. Pretorius again requested an interview, urging the necessity of his case, the great distance he had travelled for the purpose of seeing Her Majesty's High Commissioner, and the bad effect which would be produced upon the minds of the emigrant farmers if he returned to Natal without having accomplished the object of his visit. To which it was replied, that it was unreasonable to expect His Excellency to enter into any verbal discussion upon such important questions, and that whatever Mr. Pretorius had to say must be reduced to writing.

The delegates then prepared written statements of their grievances, which were handed in. The first complaint was, the injustice of the rejection of the claims of many of the emigrants to farms granted them by the Volksraad of Natal, and title to

which had been assured them by the proclamation of May 1843. The second was, the wholesale and indiscriminate admission of Kafirs, who were forcing the whites out of the country, and compelling them to abandon even the farms which had been given them. "The inhabitants," said Pretorius, "have in vain from time to time represented the growing evil, and sought protection from the local government; they have lost all that is or can be valuable to a farmer,—the sense of security for life and property and their lands; and they now await the result of this application to your Excellency with the deepest anxiety." The grievances of the inhabitants over the Orangé river were also stated. Their dissatisfaction, whether justly or not, was said to have been caused by an attack made upon them by the British Resident at Bloemfontein, who had disarmed many of the emigrants innocent of any share in the recent political disputes, and thus deprived them of their chief means of support, shooting the large game with which the country abounded. "Enquiry into these matters," Pretorius added, "is loudly called for, but it must not be a one-sided enquiry. The emigrants must have fair-play,—they ask for nothing more; and facilities must be given, not only to disprove the allegations brought against them, but to substantiate whatever they may have to advance, and which they never had an opportunity of doing."

To these communications Sir Henry Pottinger sent a written memorandum in reply. The perusal of Mr. Pretorius' letter and its accompaniments only strengthened the resolution he had previously formed, of not attempting to investigate the matters to which they related: it would be perfect mockery for him to do so on the eve of his leaving the colony, and he left the duty to his successor. "I see Mr. Pretorius complains of my declining to see him," said his Excellency. "I think he will be convinced when he sees this paper, that my doing so would have been of no use. I cannot devote time to personal interviews; and besides, it has been a rule with me, through a long public life, that written communica-

tions are to be preferred, as utterly obviating misunderstandings. In no part of the globe is that rule more necessary than in the colony of the Cape of Good Hope. With respect to the complaints of the emigrant Boers, and other persons beyond the north-east frontier, I may remark, that I had long determined to visit, the moment my other duties would allow me, that part of the country, for the purpose of enquiring personally into the conflicting accounts and contradictory statements which are contained in the voluminous papers transmitted to me from Cape Town, forming a very large volume; but of course this determination is no longer possible, and all I can do is to recommend the matter to the early attention of my successor."

Disheartened and mortified at the refusal of the High Commissioner to grant a personal interview, Mr. Pretorius placed his grievances before the public through the press. The bitter tone of his letters was very significant. "He took up his pen," he said, "to appeal to his fellow men, trusting they would be better able to understand his remarks than salaried officials, with whom questions became too difficult when they came to matters involving responsibilities." "Where," he asked, "was the Government, with its power, when, surrounded with miseries and bloodshed, we found ourselves suddenly in the midst of cruel barbarians? when upwards of 400 men, women, and children were murdered by these wretches. Yes, murdered,—inhumanly murdered. Were we then not its subjects, when we were compelled from oppression to quit the land of our birth, and plunge unprotected into the wilderness? And did we leave the country before every means had been resorted to by memorials, petitions, &c., to obtain redress? Methinks I hear a voice exclaiming: 'It was your own choice.' True it was so; and had the emigrant farmers been left to themselves, they never would have regretted that choice, as they could then have chosen for themselves a Protector, with whom the word Protection has a veritable meaning. How is it that since the arrival of the British soldier at Natal

our number has not been increased by a single Dutch Boer, although the country invited them with open arms by its beautiful fields and fertile soil. Place against this the discomforts which they must suffer in the wilderness, and the question presents itself—What can the reason be? Nothing else, Sir, but that Her Majesty has extended her gracious Protection to Natal; and Protection; by the great majority who have bought experience in the old colony, is interpreted Alienation, Oppression, Extermination; and here you have the answer . . . . I resume my journey to Natal to-morrow with a heavy heart. The object for which I braved every difficulty, and left my wife and family almost unprotected for a considerable period, I have not attained. I have thus performed a long journey to no purpose; and I go back to my constituents to inform them that I have neither seen nor spoken to the Lion of the Colony, Sir Henry Pottinger; that I have not received a proper answer to my written representations,—the document purporting to be such appearing to me unsuitable, and the remarks contained in it so irrelevant, that it is impossible for me even to conjecture what bad results may be the consequence, when it becomes known amongst us. I return, I say, to abide the time when I shall surely see realized all I have said about murder, robbery, and the firebrand, perhaps to sacrifice my life. But I have the satisfaction of knowing that I raised my voice against 'misrule,' the fruits whereof will be clearly seen when it shall be too late to go back."

Pretorius thus gave expression to the elements of discontent which had long rankled in the minds of the expatriated Boers. On his way back to Natal he received the marked sympathy of his countrymen, and found wild and reckless men ready enough to urge him on to more desperate proceedings. His friends and followers, immediately upon receiving tidings of the failure of his mission, prepared to "trek!"

Meanwhile the new Governor and High Commissioner, Sir Harry Smith, arrived in Cape Town. He had formerly been

well known to colonists as Colonel Smith, chief of the staff under Sir Benjamin Durban. His rapid, prompt, and decisive action, and his famous ride on horseback from Cape Town to Graham's Town in six days, on the outbreak of the war in 1834, had gained him the admiration of the farmers. Ten years of Indian service since then had added to his fame as a soldier; and his return was hailed as the harbinger of bright and happy days. He entered Table Bay on the 1st of December, 1847, and before the month was over he visited Kafirland, fixed the eastern frontier boundaries, concluded treaties of peace, and astonished the natives by placing his foot on Macomo's neck and brandishing the sword of victory over him, while he compelled the rebellious Sandilli to kneel and kiss his toe. "Men actually laughed, as awaking from a grotesquely horrid dream, when they saw the lions that had threatened to tear out the heart of the colony thus converted into dogs licking the feet of its governor."

Leaving the frontier in the enjoyment of peace, Sir Harry turned to the task of settling the confusion and anarchy prevailing in the extra-colonial territories. He resolved to visit them; to mix with the people, hear their grievances, and; if possible, devise measures to make them contented and happy. Everywhere along his route to Bloemfontein he was received most cordially by the colonists. Many of the emigrant farmers knew him as their former leader in 1834. They paid their respects to him, presented addresses, and discussed the state of the country and its future prospects. He told them that he visited them as a friend, not as a governor; and that if they came forward as a body, or at least a majority of four in five, and expressed their wish to live under the British Government, he would endeavour to aid them. He then declared his intention to proclaim the Queen's authority as paramount in the country, in order to secure and maintain peace, harmony, and tranquility there. He proposed that the Government, by its magistrates, should investigate and settle all complaints or disputes respecting land, that the chiefs should be

indemnified for all just claims to any ground occupied by the emigrants; and that all the farmers on such ground should pay an annual quit-rent, and give their services in defence of Her Majesty or her allies when required by the magistrate. The revenue raised from the annual quit-rents on lands, he proposed should be appropriated,—first, for the fair remuneration of the native chiefs, in lieu of any existing contracts or leases made with the farmers; secondly, for the expenses of the government; and any surplus to be expended for the exclusive benefit of those who contributed to it, or in the erection of churches and schools, or in provision for ministers, the construction of roads, and other improvements.

These proposals were also communicated to the various chiefs, Griquas, Basutos, Barolongs, and others, who were told that His Excellency's object was to maintain inviolate the hereditary rights of the natives, and to restrain the farmers within the limits of the lands they possessed. Moshesh gave his assent to and approval of the policy, and was complimented by Sir Harry, who declared to him, "he was unable to express himself as to which he admired most, his feelings as a man or his magnanimity as a chief." Moroko also agreed to the measure, and received the parting counsel: "Moroko, you and Moshesh are two of the greatest chiefs under Her Majesty. Keep peace, attend to your missionaries; then your cattle will get fat, and you will get to Heaven." With the Griqua chief, Adam Kok, an arrangement was amicably agreed to respecting the "inalienable" territory, by which the farmers holding leases there were bound to quit at the termination of them, on receiving from the Griquas the value of the buildings and improvements made by them; and in the event of the Griquas being unable to pay such valuation, the lessee was to be entitled to remain, on paying a rental to be fixed by the land commission. But a further condition was proposed by his Excellency,—viz., that the chief should cede the right in perpetuity to all the leased property in the "alienable" territory for an annuity of £300 a-year.

To this the chief demurred, as he possessed no power to dispose of the lands of his people, who had rights in the soil as individuals. His Excellency, in his tempestuous fashion, turned chief and council out of his presence, and told them that unless the agreement was signed before sunset, the chief would hang from the nearest beam. Intimidated by this outburst, which was perfectly natural to Sir Harry, Adam Kok entered into the arrangement vesting the control of his lands in the Government for ever, much to the dissatisfaction of the Griquas. The Boer occupiers, however, were thus secured by the Government in permanent possession of their holdings, instead of having a doubtful and precarious tenure.

Both Europeans and natives, as well as their missionaries, having given a favourable response to his proposal for establishing a formal and regular government, his Excellency, as High Commissioner, issued a proclamation on the 3rd February, 1848, declaring the sovereignty of Her Majesty the Queen over the territories north of the Orange river, including those of Moshesh, Moroko, Molitsani, Sikonyella, Adam Kok, Gert Taybosch, and other minor chiefs, so far north as to the Vaal river, and east to the Drakensberg or Quathlamba mountains. This, and a subsequent proclamation of March, 1848, contained regulations for the government of the assumed sovereignty, securing to all British subjects sojourning among the natives, the rights, institutions and laws possessed by citizens in the colony; and declaring that, as to the natives, Her Majesty's authority was paramount in all international disputes as to territory, but that the hereditary rights of the chiefs and people should be maintained, as well as their own laws, according to their customs and usages.

From the Orange River territory, the High Commissioner travelled on over the Drakensberg mountains to Natal. It was the wet season in that region, scarcely a day passed without rain, and the rivers were flooded. At the Tugela drift, he found the encampment of Pretorius and his followers, who were trekking

with their flocks and herds, intending to cross the Vaal River. Men, women and children of all ages were crowded together in tents and wagons, not more than half-sheltered from the wet. Their miserable position moved the generous feelings of the experienced soldier, accustomed although he had been to scenes of war; and describing their condition in an official despatch, he said, "These families were exposed to a state of misery which I never before saw equalled, except in Massena's invasion of Portugal, when the whole of the population of that part of the seat of war abandoned their homes and fled. The scene here was truly heart-rending. I assembled all the men near me, through the means of a Mr. Pretorius, a shrewd, sensible man, who has recently been into the colony to lay the subject of dissatisfaction of his countrymen before the Governor, where he was unfortunately refused an audience, and returned after so long a journey expressing himself as the feelings of a proud and injured man would naturally prompt. At this meeting I was received as if among my own family. I heard the various causes of complaint—some I regard as well-grounded, others as imaginary, but all expressive of a want of confidence and liberality as to land on the part of Goverment. I exerted my influence among them to induce them to remain for the moment where they were with their families, which they consented to do. The scene exhibited by about 300 or 400 fathers of large families assembled and shedding tears when representing their position was more, I admit, than I could observe unmoved, each exclaiming, "Our friend Colonel Smith, we were living quietly under a government which we were ever attached to; our loyalty has been suspected, our lands have been sparingly given or refused—we were not even allowed to purchase. Kafirs have been located on our lands and intermixed with us. These are the causes which have led us to abandon our houses, our crops standing, and the gardens which we planted with our own hands, abounding in fruit and produce. We are seeking a home in the wilderness."

His Excellency at once resolved to make an effort to rescue these unfortunate people from the course they were taking. "Strong cases," he said, "demand strong remedies." And he forthwith issued a series of proclamations, having for their object the satisfaction of the emigrants, which he hoped would induce them to remain in the country. He invited them to return to the lands they previously held, assuring them that all would receive possession and title of good and extensive farms without delay. He appointed a land commission, composed of Lieut. Col. Boyes, D. Moodie, Esq., Captain Kyle and Mr. J. N. Boshoff (one of the emigrants) and their own leader, Andries Pretorius, to receive claims and applications for such farms, with instructions to deal liberally with every individual. To remove the dissatisfaction arising from Kafir locations being intermixed with the original occupants of land, he declared that the coloured population who had free locations given them must be removed, and a distant line established between the two races. To put a stop to the complaints of robberies by the Bushmen on the Drakensberg, he authorised the formation of a Kafir police. And confiding in the good will and loyalty of all the emigrants, he directed the Crown prosecutor to abstain from instituting any proceedings for offences of a political nature previously committed within the district. Nor was this all. Knowing how attached the farmers were to religious worship, his Excellency informed them it was the desire of Her Majesty to promote the erection of churches and schools, and to make provision for ministers and schoolmasters. And as he ascertained that during the wanderings of the emigrants without any duly authorized minister in their midst, marriages had been contracted amongst them, which were not in conformity with all the requirements of law, a special proclamation was afterwards issued legalising these marriages, and thus conferring upon those who desired it, the important advantage of establishing their children's legitimacy in the courts of the Cape Colony, where by family ties many of these were

interested in the descent of colonial property. What more could have been done? Security, good faith, peace and happiness were assured them; and contentedness, gratitude, loyalty, devotion and attachment to the Government were fully expected to develope themselves.

By the 1st of March, Sir Harry Smith was back at the seat of government in Cape Town, welcomed as a successful pacificator and benefactor, with pœans of praise from all classes of the inhabitants.

"Fearless through Kafir bands
On mortal conflict bent,
The hero spilt no savage blood,
Yet 'conquered as he went.'"

"Throughout the Boers' lone camps,
Discord and strife now end;
From furthest peak of Drakensberg,
They hail 'the Farmers' Friend.'"*

His meteoric progress over the length and breadth of the country, all at once dispelling the idea of the unwieldiness of the settlement and its dependencies, and the generous character of the mission he had so triumphantly concluded — by clemency and generosity restoring the blessings of peace and civilization to the sojourners on its remote borders,—were regarded as the most signally-happy events South Africa had ever witnessed. His Excellency's praise was on every lip, and his virtues were to be symbolized to future generations by an equestrian statue.

But the joy which enlivened the colony at large, from the new policy adopted with regard to the emigrant farmers beyond the Orange River, was of brief duration. Within a month, news was received that the High Commissioner's measures, however well intended, had not been accepted in that spirit, and that some evil-disposed persons were endeavouring to pervert their true intent and meaning. Pretorius, it was stated, was at the head of

* Lines written by George French Angas.

these proceedings. At the interview held at the Tugela Drift, he had impressed Sir Harry Smith with being loyal and honest, although considerably excited by the refusal of an audience with His Excellency's predecessor at Graham's Town. He had not, however, accepted the appointment on the land commission, nor returned to Natal with those who availed themselves of the privileges offered by the High Commissioner's liberal proclamations. He threw in his lot with the more violently-disaffected who were prepared to seek a home in the interior rather than come under the British rule. At the Vaal River he found others determined to decline British sovereignty and to secure for themselves the freedom of self-government. He held meetings there, where their grievances and sufferings, and the shortcomings of the Colonial authorities, were strongly commented upon. The people were persuaded to believe that they were strong enough, if they were only united, to resist any interference with them. They were told that the High Commissioner had said "unless four out of five of the people desired British rule, he would have nothing to do with them," and they were called upon to sign addresses, and join in a plebiscite demonstration against it. Some individuals even circulated a statement that if the farmers were unanimous Panda and Moshesh would join them, and Pretorius would restore Natal to his countrymen. By such means the wavering were perverted, the timid were over-awed, and even some of the well-disposed were induced to join the stream from fear that an expression of feeling in favour of British sovereignty, would bring vengeance upon their heads.

This unexpected turn of affairs created equal surprise and regret among the colonial friends of the emigrants, who were sensible of the misfortunes which such folly and madness would entail. A commission from the Synod of the Dutch Church was deputed to visit them and administer such advice as was calculated to give happiness both temporal and eternal to themselves and their offspring. This was followed soon after by a

"manifesto" from the Governor—a most remarkable melo-dramatic proclamation, in which Sir Harry addressed the mal-contents as "my friends—my half lost friends and wavering Christians," and after enumerating all the benefits he had lately conferred upon them, asked them to contrast their miserable condition in the wilderness, with the position of their cousins and friends living under the Colonial government—"happy and contented, shipping wool and corn, selling horses, sheep and cattle—enjoying all the blessings of civilization and Christianity—going to church on a Sunday with their elegant spans of horses and wagons, and their happy wives and children." Then warning them against the consequences of any rebellious acts, he wound up with the following exordium:—

"Oh! how I hate and detest the name of war and commotion! The many battle scenes I have witnessed arise like phantoms to my imagination. But as I abhor war, so will I terribly wield its power if you drive me from your affection. If you compel me to wield the fatal sword, after all I have attempted for you, the crime be upon your own heads; and while my troops shall exult in victory, I will weep, as you have seen me do, over the fallen, the defeated, the deluded; your lands shall be wrested from you, your houses destroyed, your herds swept off, your own hearts blackened by wicked ingratitude, and your faithful, your generous friend, who has exerted himself for your exclusive benefit, turned into the Avenger of Evil! There are limits to the extent of the most virtuous feelings in this worldly and uncertain trial of life. Aid me, as I desire you, to preserve them to us, and as in generous and uncorrupted minds the superiority of religion carries us through the calamities of this transient life, let us together thus pray:—Lord of all power and might, disposer of all things, good and evil, deign to look upon us frail and sinful creatures; teach us *who* are our true friends—preserve and strengthen us in all the trials of temptation; defend us from all the evil practices of wicked men; teach us to worship Thee with our hearts, our

minds, our souls, devoted unto thee through Jesus Christ; direct our hearts and our actions towards our neighbour; teach us so to live that our course in this life may lead us to life eternal; teach us to forgive our enemies and to love our friends; teach us after a peaceable life to look forward to that reunion in Heaven, the fountain of our hopes on earth, the happy place of rest for our immortal souls. When we must put off the mortal garment, and lie down on the bed of death, let us be at peace with thee, O Lord, at peace with the world, and at peace with our own hearts ! ! ! This grant us, O Lord, our God Almighty, through Jesus Christ. Amen.—H. G. SMITH."

Since the days of the Ironsides rarely had the Bible and the broadsword been wielded in this fashion.

The circulation of the "manifesto," which was widely distributed among the emigrants, had the good effect of restoring confidence in the greater part of the Sovereignty; and the appointment of magistrates to the new districts into which the country was divided —Bloemfontein, Caledon, and Winburg,—strengthened the well-disposed and cooled the turbulent. It was chiefly in the north, between the Vet and the Vaal Rivers, that the disaffected Boers, the "harde emigranten" were most numerous; and they were borne up by the sympathy and support of their brethren living beyond the Vaal River. They claimed the territory from the Vet to the Vaal, as having been purchased by Potgieter in 1838 from the Chief Makwana, for a few cows. When the proclamation of Sir Harry Smith reached them, and they heard of the appointment of the new magistrates, they held a meeting at Potchefstrom. Their leading men were present—Pretorius, Kruger, Potgieter, Kok, Botha, Delport, Spies, Prinsloo, Steyn, Lindeque and others, and they adopted certain resolutions to be forwarded to the High Commissioner. These were to the effect that scarcely one-eighth of the inhabitants from the Vet to the Vaal desired to have a magistrate; that they hoped the Governor would desist from the threatened military operations against them; that any hostile

measures would cause them to embark in far more dangerous exploits; that all differences which might exist could be much better redressed by the pen than the sword; and they trusted that his Excellency, after mature consideration of the land question, would acknowledge the right of the occupants.

Not satisfied with this protest and appeal, some of the more violent of their number endeavored to excite afresh the feelings of the people to take immediate measures to "drive the magistrates out of the country, and sweep Natal clean." A counter-manifesto was issued by Pretorius, setting forth that no faith could be put in Sir Harry Smith's proclamation; that the Government was extending its rule to convert them into soldiers for its own purposes; that it was useless for the emigrants to fly further into the country, where fevers had killed so many of their fathers and children, and destroyed their stock, and where death was inevitable;—appealing to the women to send their husbands and sons, and not to forget to offer up prayers for the coming struggle for freedom;—that having God before them, and the sword in their hand, they must be successful; and concluding with a threat that those who did not join would forfeit their lands and be subject to punishment by the war-council. The same persons also attempted to form a combination with the native chiefs against British authority.

Major Warden, the resident of Bloemfontein, represented the threatening aspect of affairs; but Sir Harry Smith could not believe there was any danger, or that the emigrants would assume a hostile attitude. Even in the middle of July, when Sir Andries Stockenstrom communicated to the Government a letter, purporting to come from Pretorius, and revealing the deep and well-laid conspiracy which had been formed, his Excellency's reply was: "It is melancholy to see really good people so deluded. Their improving condition, I admit, is next to my heart, as I hope all my acts towards them have demonstrated; and notwithstanding Pretorius' opposition, I am of opinion order advances rapidly, and

agitation is on the wane." While these words were being written in Cape Town, the insurgent Boers were actually engaged in expelling all the British officers and loyal inhabitants from the territory north of the Orange River.

Pretorius had raised the standard of rebellion in the neighbourhood of Winburg. The action of the Sovereignty Land Commission in defining the boundaries of districts and the limits of farms, was the alleged occasion of it. For weeks previously, however, emissaries had been incessantly employed moving about amongst the farmers, stirring them up to make a bold demonstration. Taking advantage of recent intelligence of the disturbed state of Europe, they were told extravagant stories of the weakness of the English, and urged that now was the time to free themselves, or they would presently be called upon to go in ships and fight for England in other countries. Two hundred men were collected from amongst the settlers beyond the Vaal river,—Potgieter himself, however, kept aloof from the movement. As they advanced towards Winburg their numbers were swelled by others assembling from various quarters,—some who were peaceably-disposed joining in order to save their properties from destruction or confiscation. A great many of them were led to believe there would be no fighting; that if they showed a goodly number opposed to the Government, the British officials would withdraw.

On the 17th July, Pretorius appeared before Bloemfontein at the head of 400 mounted men; formed his camp at a distance of about two miles from the village, and despatched the following letter to the Resident:—

"To Major Warden, British Resident,—As we have been true and sincere friends to each other, and that for five years, and whereas Sir H. Smith is obstinate as regards the majority being on our side, I consider it my duty to shed as little blood as possible. I shall therefore give you one hour to consider whether you will give up this country, or whether I am to take it from you by force. Many parts of the country have been purchased by the

emigrant farmers from natives, and which natives do not feel at all disposed to come under British rule. I have for the accomplishment of this object brought with me into the field only 1000 of the many thousands of my ready and willing people.

"A. W. Pretorius, Comm.-General."

Major Warden's whole force consisted only of 57 men, including 16 recruits, with 42 others, civilians, leaders and drivers of wagons, and 8 deserters who had been amongst the Boers, but finding they were determined on open rebellion had surrendered themselves and were pardoned. He was also encumbered with 200 women and children, and natives who had fled to the village for protection. For some days before, efforts had been made to throw up some kind of defensive work, but they were not considered in a condition to stand a siege from an overpowering enemy. Under these circumstances, Major Warden, instead of holding his own or attempting to maintain his position until relief came, accepted the terms of capitulation offered him,—which were that the British troops and inhabitants should evacuate the village within two days, taking with them all their property, and proceed to Colesberg, Pretorius himself furnishing five or six wagons, or as many more as might be required, for the purpose of conveying them there. The civil functionaries at Winburg and Caledon were also forced by bands of the rebels to retire in the same way; and they were accompanied by numbers of the respectable inhabitants, who disapproved of Pretorius' proceedings, and sought refuge in the colony from the disorder and ruin with which the country was threatened.

When tidings of these events reached Cape Town, no time was lost in making military arrangements, suitable to the exigency. The Governor,—likened to a thunder-bolt in presence of an enemy,—acted with characteristic promptness, and within an hour or two after the news was received, orders were on the way to the frontier for the march of troops to the Orange River, while he prepared to proceed overland himself to join them and take the

command; and at the same time a proclamation was issued, declaring Pretorius a rebel and offering £2000 for his apprehension. Travelling with his usual speed, his Excellency was quickly at Colesberg, where a few days' detention occurred, while the troops were being concentrated on the banks of the Orange. Here messages were received from Pretorius, who declared himself "Chief of the whole United Emigrant Force," and asked the Governor to come over and speak with him. He was informed that the Governor "could treat with nor see no rebels in arms." Pretorius and his adherents then began to realise their position was a desperate one, and again wrote:—"Now, the Governor says he will neither see nor speak to us rebels, but will treat us as Pharoah treated the children of Israel, so that we have no chance but to be destroyed by your cannon and great force, as we have no father or representative. We will await our fate manfully." But once more they requested his Excellency to come over and speak to them, offering that every necessary assurance for the safety of his person would be given. Sunday intervened, and on the day following his Excellency replied, that if Commandants Kruger and Bester desired to speak with him, a boat would be sent to the opposite side to bring them over to Major Warden's camp. Pretorius, however, refused to allow of messages being delivered to any one but himself, as Commandant-General; he intimated that none of his followers should cross the river to the British side; and requested for the last time that his Excellency would withdraw his Proclamation of Sovereignty in that territory, for they would never acknowledge the same. The Governor's response was, "I will reply in person with my body-guard."

The passage of the river was at once commenced by the military force assembled, consisting of two companies of the Rifle Brigade, two of the 45th Regiment, two of the 91st Regiment, two troops Cape Mounted Rifles, and two field-pieces, forming in all between 600 and 700 men. No opposition was made to this movement by the rebels, who retreated precipitately from the

river's bank, leaving even their meat half-cooked upon the fires. A number of the Griquas, under Waterboer and Adam Kok, joined as an auxiliary force, and several friendly Boers, inspired with confidence, accompanied the troops as they marched on; but no enemy was to be seen, and the country seemed entirely deserted by its inhabitants. At length, on the 28th August, it was ascertained that they were encamped at Boomplaats, occupying a very strong position behind a ridge of stony hills, some running parallel and others at right angles with the line of road. Sir Harry Smith, dressed in Boer fashion, with broad-brimmed white hat, blue hip-jacket, and cord breeches (just as he had met Pretorius and the emigrants on the Tugela in February), accompanied the reconnoitring party in advance of the main body of troops. He gave orders they were not to fire unless fired upon, and he had a strong impression that none of the Boers would lift a gun against him. Behind the cover of the "kopjes," or hillocks, the rebels were in a state of consternation as they saw this force approaching. Pretorius, it is said, retired to the camp, some distance off; but Commandant Gert Kruger stood to his gun, and Andries Stander had his marksmen ready behind the bushes and rocks. As the advanced guard and the General with his escort were pushing on, Kruger in a bewildered manner asked, "What shall we do now?" (Wat zal ous nou doeu). Upon which Standers excitedly replied, "Fire away" (Blaas maar op.) In a moment the whole top of the ridge was a-blaze, and the Boers, showing themselves, discharged a heavy volley of musketry, their bullets dropping around the advancing squadron like a shower of hail. Sir Harry—for a moment surprised by the fierceness of the fire and the sudden appearance of the rebels, who, like the men of Roderick Dhu,—

> "Sprung up at once a lurking foe,
> As if the yawning hill to heaven
> A subterranean host had given,"—

Quickly took measures to silence and dislodge the enemy. The Rifle Brigade were brought into action to charge upon their left

flank, the companies of the 45th upon their left centre, and the 91st on their right centre; while the guns commenced operations with effect upon the points where the rebels appeared most numerous. Notwithstanding they kept up a rapid and well-directed and destructive fire, they were pushed back from the ridge of low hills to the neck of the higher ridge behind. They made a bold effort to maintain their position on the pass, but by a combined attack of the Cape Corps and the Griquas, and the guns and infantry being brought forward, they were driven from this, their last hold, and retired, firing shots as they dispersed, over the open country beyond.

The action, which Sir Harry Smith described as one of the most severe skirmishes ever witnessed, lasted for three hours. Owing to the nature of the ground, which offered great advantages to the rebels, Her Majesty's troops suffered severely. One officer, Capt. Stormont Murray, of the Rifle Brigade, was mortally wounded and died the same evening; six others (Col. Buller, Capt. Armstrong, Lieutenant Sales, and Ensigns Steele and Crampton) were severely wounded, and 8 men killed and 39 wounded. The rebels left dead upon the field 49 men, 12 of them having been killed by one cannon shot. It was remarkable how his Excellency the Governor came out unhurt, for, from the beginning to the end, he was in the hottest of the fire; and his private secretary, Mr. Southey, whose courage in the field was also conspicuous, shared the same good fortune. The unhappy Pretorius was one of the first who led the retreat from Boomplaats. Shaking hands with his friends, he said to them, "If you are overtaken, submit to the British authority, as for you there is safety, but none for me. All is lost." And he started off, accompanied by one or two of his relatives, never resting until he got beyond the pale of the Sovereignty and crossed the Vaal River.

Next day the troops followed up the insurgents, in the hope of overtaking the main body and their train of wagons; but after a long march they found nothing but tired and wounded horses left

upon the road. Their leader being gone, the rebel force dispersed in various directions, to secure their own safety. Two of them were made prisoners by some of the Griquas who were scouring the plains in search of what they could find. One was a young Cape farmer, named Thomas Dreyer, who had lost his horse and was endeavouring to get away on foot; the other, an Englishman, Michael Quigly, a deserter from the 45th Regiment at Natal. These two men were summarily tried by court-martial, found guilty, and shot at Bloemfontein, and were buried on the very spot where Pretorius had compelled Major Warden to sign the capitulation of the country.

The High Commissioner then proceeded as far as Winburg, where it was expected some disturbance might arise from the disaffected; but instead of that, the people readily came forward to take the oath of allegiance and to surrender their arms if required. Two of Pretorius' commandants, Paul Bester and Gert Kruger, were graciously pardoned, but others had their properties confiscated, and rewards were offered for their persons. And to defray the expenses of the movement of the troops engaged in suppressing the rebellion, fines were levied upon all who were known to have taken part in it. The "war-tribute money" collected amounted to over £10,000.

The insult offered to Her Majesty's authority having been thus avenged, Sir Harry Smith, on the 7th September, 1848, reproclaimed British Sovereignty under a salute of 21 guns, and reinstated Major Warden and the other officials at Bloemfontein. A redoubt named the "Queen's Fort" was constructed there, and a small military force, consisting of two companies of the 45th regiment, one of the Cape Corps, and a few artillerymen with three field-guns, was left to support the authority of the British Resident. Shortly afterwards his Excellency published regulations for the better government of the territory, establishing four magistracies and constituting a local council, consisting of the Resident and magistrates, and eight councillors nominated from out of the landholders in each district. In communicating this to

the Secretary of State, his Excellency remarked:—"It must not be expected that perfect cordiality can at once be established among men who have for so many years led so unsettled a life as those emigrant farmers,—men, moreover, of strong prejudices, jealous to a degree of what they regard as their rights, constantly at variance with one another, and evincing that want of confidence which I hope will be speedily removed by the measures in progress, aided by the ministers of the gospel and the churches now actually in course of erection. The character of the Dutch farmer is peculiar: he is kind and hospitable; affectionate and grateful for kindness when really convinced of its sincerity. Distrust will, I feel convinced, soon give place to that feeling of religion, piety, and morality which the social compact demands."

Knowing the high respect which the emigrant farmers had for the ministers of their community, his Excellency encouraged and assisted a mission from the Dutch Reformed Church of the Colony, which was sent amongst them. The Rev. Dr. Robertson and Dr. P. Faure were deputed by the Synod of the Church to undertake this duty. Their journey was an extended and arduous one, for they passed from the Sovereignty across the Vaal River, as far as Majaliesberg, where Pretorius had taken up his residence. Their communication with the exiles in the Transvaal had a most beneficial influence; they held religious services with them, baptized and married many, both young and old, and administered the sacrament of the Lord's Supper, the celebration of which had never been witnessed by the emigrants since they had commenced their wild and wandering life. Some of the people showed a keen jealousy of any interference with them in political matters, and even formed a very strong prejudice with respect to the signatures required from such as desired to have their marriages registered, imagining that they were thereby in some degree made British subjects. But generally they gave a hearty reception to the mission, and expressed their appreciation of the friendship and interest taken in their condition and prospects by their colonial fellow-countrymen.

VII.

The Border States.

The Sovereignty — Moshesh and the Basutos — Cannibalism — Native Disputes—The British Resident's Interference—The Engagement at Vier Voet—Refusal of the Boers to perform Military duty—Distracted Condition of the Country—Earl Grey's decision to abandon it — Reversal of former Policy — Removal of Major Warden and Recall of Sir Harry Smith—Assistant-Commissioners Hogge and Owen—Policy of Non-interference and Non-encroachment — Convention with the Transvaal Emigrant Farmers — Moshesh and Sir George Cathcart—The Battle of the Berea—Abandonment of the Sovereignty—Sir George Clerk's Mission—Convention with the Free State—The Exodus of the Griquas—Basuto Wars—Assumption of the Basutos as British Subjects—Policy towards the Republics—The Diamond Fields—The Transvaal—Opening up of the Interior.

In 1850, the Legislative Council of the Sovereignty, at the conclusion of its sittings at Bloemfontein, congratulated the High Commissioner on the improved condition of affairs in that territory. Mercantile enterprise was extending itself into the Interior, authority was respected, crime punished, ministers and teachers had been appointed, and a printing-press established,—all exercising their influences over the minds of a long-neglected people, and affording a reasonable prospect of the Government being the honoured instruments of introducing social organization into the heart of South Africa. This happy prospect, however, was soon interrupted by the outbreak of hostilities between some of the native tribes, arising out of long-standing feuds, in which unfortunately the British Resident became embroiled.

Territorial rights and boundary disputes were the causes of these quarrels. The Basuto chief Moshesh claimed paramount authority over the lands occupied by the Baralongs of Moroko, the Bastards of Batje, and the Korannas of Taaibosch, and the Mantatees of Sikonyella, while these chiefs, on the other hand, assumed to themselves perfect independence.

Moshesh was the most powerful, as well as the most astute and sagacious of all the chiefs; indeed, his whole life and character shew that he was one of the most remarkable barbarians South Africa has produced. At the outset of his career, when all the influential men of the country were carried away by the invading armies of Chaka, he alone breasted the stream. He took refuge on the top of Thaba-Bossigo, an isolated mountain of pentagonal form, 400 feet high, with a tableland of two or three miles on the top, its edges defended by a crown of perpendicular rocks, and accessible only by five wide clefts, easily barricaded. There he was known as "the chief of the mountain," and rallied round him the wretched remnants of the broken tribes. The horrors of war and famine had produced in his neighbourhood associations of cannibals living in caves, who laid hold on men, women and children wherever they could; but his clemency towards them induced them to abandon their abhorrent habits, and return to their former position. By various acts of kindness, he secured the attachment of fallen chiefs and representatives of families who had formerly governed. One or two well-conducted expeditions largely increased the number of his herds of cattle; and with these he purchased wives for the poor among his people, bestowing pastures upon them on condition that the cattle received as purchase money, in native fashion, for the female children when they married, should revert to him. Thus he gained the goodwill of his followers, and a source of ever-increasing personal wealth. Even among the invaders of his territory he procured himself allies by his peculiar diplomacy, knowing how to restrain and how to yield at the right moment. Moselekatze's regiments on one

occasion had attacked his stronghold: they rushed up its sides in great numbers, but an avalanche of stones, accompanied by a shower of assegais, sent them back with more rapidity than they had advanced. Their repulse was decisive, and the Zulus had to march away. At the moment of their departure a messenger came towards them, driving some fat oxen, with the word of the chief: "Moshesh salutes you,—supposing that hunger has brought you into his country, he sends you these cattle, that you may eat them on the way home." The Zulus were amazed. "This man," said they, "after having rolled down rocks on our heads, sends us oxen for food. We will never attack him again." And they kept their word.

Moshesh had heard of Christian missionaries, and he welcomed the representatives of the Paris Evangelical Society, who visited him for the first time in 1833. He did not accept their doctrines himself, but he thought their teaching good for his people. From this time a new era unfolded itself for his tribe; thousands of Basutos, dispersed by the misfortunes of past times, recovered confidence, grouped themselves about the mission stations, and augmented his power and influence. His country, where none had been daring enough to venture, for fear of falling into the hands of the devourers of human flesh, began to attract the attention of tribes upon its borders. Many natives from the Interior who had been plundered of their all, sought an asylum under his government, which was famed and respected for its wisdom and moderation. Traders also followed in the wake of the missionaries, and began to dispose of their commodities. Some of the emigrant farmers moving out of the colony, were encouraged to sojourn for a while and occupy the depopulated lands around him. The chief said, "He admired the white people; they might remain for years if they liked."

In a short period the Basuto population increased in an astonishing degree; mountains and valleys became covered with numerous villages, and the people pressed forward amongst the

adjacent natives and European settlers. Then arose the questions of international and territorial rights. Moroko, who with the Baralongs had taken up his position at Thaba Nchu, maintained that he had paid Moshesh a quantity of cattle for his land. Sikonyella claimed the country occupied by the Mantatees as his by right of conquest. Gert Taaibosch and Moletsani held theirs by the right of the sword. The Boers, who had cultivated and improved their farms, asserted that they had been assured peaceful possession of them, some in consideration of being a wall of defence between Moshesh and the Griquas and Bastards, and others because they had purchased the lands from the son of a Basuto chief, whose family had formerly governed the country. Moshesh, however, refused to acknowledge any of these claims to territorial dominion. He asserted that the whole country was the property of the Basutos; that no instances of selling or in any way alienating land was known amongst them; and that he had only granted his hospitality and protection to Moroko and the Boers during their occupancy of the land. "He had lent them the cow to milk; they could use her, but he could not sell the cow."

Sir Harry Smith's proclamation of sovereignty over these tribes increased the rancorous feelings of rivalry existing between them. The several chiefs arrogated the title and authority of independent potentates, and looked to the Government to maintain their rights. Through the missionaries, of whose councils they availed themselves, they appealed to the British Resident for the support of the Government. The Resident, having no sufficient military power to uphold his authority, called to his aid the Griquas and the Boers, who held their lands according to the proclamation on condition "that they turned out with arms for the defence of Her Majesty and her Allies."

A game of confusion and turmoil, and much embarassment to the British Resident, soon opened. Trespasses, depredations, and collisions between the natives were continually reported—the principal offenders being the free-booting Sikonyella, and the

Batuug chief Molitsani, an ally of Moshesh. An attack upon the Wesleyan Mission Station of Umpukane was made by Molitsani. The Resident raised a force to punish him, and called upon the Moroko and the Baralongs to join it. The expedition was successful, carrying off several thousand head of cattle; but hardly had it retired than Moletsani, assisted by Moshesh, compensated himself by an attack upon the property of Moroko, sweeping off both his cattle and horses. Moroko having become a sufferer through his obedience to the call of Wajor Warden, appealed to the latter for compensation for his losses. Moshesh was thereupon required to restore the property, as his people had been chiefly concerned in the robbery, and after some lapse of time he sent an instalment in the shape of 2000 bull calves, in lieu of double that amount of beautiful cattle, including a fair proportion of milch cows, taken from the Baralongs. He promised more afterwards, but time sped on, yet no further restitution was made—whilst complaints of robberies and murders by his people were pouring in from the Baralongs to the Government. The Resident moved a few of the troops from Bloemfontein to protect Moroko at Thaba Nchu, and collected an armed force of burghers, Griquas, Mantatees, and Korannas to proceed against Moletsani and Moshesh, and to compel them to give satisfaction for their aggressive conduct. The commando attacked one of the villages under Moletsani at the Vier Voet Mountain, near Plaatberg, at the end of June, 1851. The Baralongs, after taking the place and some cattle, remained on the mountain plundering the huts and regaling themselves on Kafir beer, when a large party of Basutos, under Moshesh's son, who had lain concealed, suddenly fell upon them and destroyed 200, besides wounding many. The victorious Basutos, numbering 500 mounted men, then advanced to surround the troops, who had covered the attack of Moroko's people. The officer in command, Captain Bates, of the 45th Regiment, seeing the position to be a critical one, gallantly dashed through them under an incessant fire, and then halted and turned round upon them with his single cannon, and thus held them at bay until he reached the camp.

The Resident now found himself committed to offensive operations against Moshesh's tribe, which numbered at the least 10,000 fighting men, whilst he had no adequate force to oppose against them. The burghers refused to muster for such service. They could not comprehend or appreciate the motives which induced the Government of so powerful a nation as Great Britain to call out farmers from their homes and lawful employments on the occurrence of these chronic squabbles among the natives. Military duty under such circumstances was extremely distasteful and harassing to them, especially as in addition to their own personal hardships and risks in the field, their families and property were exposed to be plundered and ruined by the tribes against whom they acted. Many of the farmers had already in this manner suffered severe losses of their flocks—having been marked out by the Basutos and their adherents for spoilation. A few of the lawless and disaffected of their own countrymen were suspected to have encouraged and shared the plunder. Those Boers who had done their duty in obeying the orders of the British Resident were especially harassed, particularly in the district of Winburg, and the clergyman of Bloemfontein (the Rev. A. Murray), who visited that part of the country in October, 1851, wrote to the Resident, "If immediate and energetic measures are not taken to restore confidence, many of the more loyal farmers will trek through the Vaal River. The Government party among the farmers, as more than one said to me, will consider the Government as careless of their interests, and many will leave the country despising, and I had almost said cursing, a Government which they think will not protect them while they have been suffering so severely for adherence to it."

Whilst the internal affairs of the Sovereignty were in this disturbed state, Sir Harry Smith had to cope with the Kafir war on the eastern frontier of the colony, and could not spare any troops. Fortunately the Governor of Natal, Sir B. Pine, was able to render some assistance, On hearing that Major Warden

required help, he directed two companies of the 45th Regiment, and a Zulu force of 700 men to march over the Drakensberg with the least possible delay. These reinforcements soon reached Winburg, where their presence immediately gave confidence to the well disposed, and stopped the plundering of the farmers. The British Resident had been authorized by the High Commissioner to prosecute the war until Moshesh and Moletsani were humbled, but his forces were still too weak to justify any aggressive movement, and the Zulu contingent, impatient and weary of inaction, took their departure back to Natal. The burghers pretty plainly signified their unwillingness to join in any hostilities undertaken on account of the natives. Most of them pleaded the excuse that their cattle wanted fresh pasturage, and moved off to the most remote parts of the district. Out of 1000 able-bodied men only 75 answered to Major Warden's call. "Two-thirds of the Boers in the Sovereignty," he angrily wrote, "are in their hearts rebels." Under these circumstances he felt that he might as well try to fly to the moon as attempt to carry a war into Moshesh's country without a very considerable addition to the military force at his disposal.

Earl Grey was Secretary of State when the Governor's despatches disclosing this condition of things reached England. He at once called to the recollection of Sir Harry Smith the fact of the assumption of Sovereignty over the Orange River Territory having been very reluctantly sanctioned by Her Majesty's Government, and then only upon the representation that it was generally desired by the inhabitants, and with no other object than of meeting their wishes and promoting their welfare. Now, as it appeared, the exercise of authority there was fallen into contempt—as the inhabitants would not support it, but, on the contrary, desired to be relieved from it—and as no British interest was to be served by endeavouring to maintain it,—he thought the sooner the officers and force could be withdrawn the better, provided it could be done without compromising the honour of the Crown, or

neglecting the interests of its allies. "The ultimate abandonment of the Orange River Sovereignty," he wrote towards the close of 1851, to the High Commissioner, "must be a settled point of our policy. . . . If you are enabled to effect this object, you will distinctly understand that any wars, however sanguinary, which may afterwards occur between the different tribes and communities which will be left in a state of independence beyond the Colonial boundary, are to be considered as affording no ground for your interference. Any inroads upon the colony must be promptly and severely punished, but, after the experience which has been gained as to the effect of British interference in the vain hope of preserving peace amongst the barbarous or semi-civilized inhabitants of these distant regions, I cannot sanction a renewal of similar measures."

The old and warmly cherished policy of England, based on the great and noble principle that she was responsible for the conduct of her subjects towards the aboriginal races amongst whom they settled—"the protector of the weak, the civilizer of the barbarian, and the preacher of righteousness to the heathen"—was thus suddenly reversed. It had been maintained for years at no small cost of blood and treasure; but it threatened if pursued further to indefinitely enlarge the demands on the revenue and military force of the kingdom. To prevent any future complications, the officers representing the Crown were interdicted in terms as explicit as could be employed, from making or sanctioning any extension, however small, of Her Majesty's dominions in South Africa.

The accounts from the colony at this time created much uneasiness in the mind of the Secretary of State. Additional troops were required, not only for bringing the Kafir war to a termination, but also to maintain the prestige of the British arms over the Orange River. Major Warden was found to have committed the error of interfering too much with those he had to govern. To this was attributed the embarassment and serious

danger which had arisen. He was therefore required to relinquish and entrust to other hands his office and authority as British Resident. Within a month afterwards, Sir Harry Smith was also discovered to be "equally deficient in foresight, energy and judgment" for the high position he occupied, and he was likewise relieved of his functions as Governor and High Commissioner. Among the errors of policy charged against him by Earl Grey was, that he had allowed the administration of the Orange River Territory to remain too long in the hands of an officer unequal to the task, and that he had failed in securing the confidence and attachment of the Dutch farmers, who, if properly treated, might be rendered loyal and useful subjects.

Meanwhile two gentlemen, Major Hogge and Mr. C. M. Owen who had been associated with Sir Harry Smith as High Commissioner to assist him in settling the relations of the colony with the frontier tribes, were sent across the Orange River to inform themselves on the spot of the actual state of matters there, and with full authority to act as any emergency might require. They investigated the case of Moroko, and the obligations contracted by the British Resident, and found the former clearly entitled to compensation and protection. They next inquired into the cases of the Boers who had been plundered by the Basutos and other natives, and found them entitled to equal, if not more consideration than Moroko. The grave question was how to get satisfaction from Moshesh? The chief kept to his mountain stronghold, and evaded all invitations to arrange the matter, He sent messages that "he was no enemy to the Queen or the British nation; that his people at Vier Voet had only resisted an attack in self defence, as it was the right of every man to do; that he wished an investigation, for he had complaints to make of encroachments on his people's lands, but that he would not leave his place, as his absence would be a signal for further disturbance. It was evident to the Commissioners that the presence of a considerable armed force was necessary to vindicate British authority, and relieve it

from the contempt with which it was regarded by both black and white. The new Governor and Commander-in-Chief, Sir George Cathcart, upon hearing this, decided that as soon as the Kafir frontier was secure he would forward a detachment of his army, to show with what rapidity and facility a force could be thrown into the country at any time if necessary.

While the Assistant Commissioners were yet at Bloemfontein, making efforts to establish affairs on a footing more in unison with the wishes of the inhabitants, they received through accredited messengers a communication from the emigrants north of the Vaal River. The majority of them,—Pretorious among the number—said they were anxious for peace and friendly relations with the Government in order that their hands might be strengthened in establishing order, and effectually checking the agitation of a few reckless spirits who wished to make another attempt at rebellion in the Sovereignty. The Commissioners considered that the reconciliation of the emigrants to the Government would doubtless have a favourable effect in checking native hostility, and encouraged the suggested negotiations. They at once made use of the power provisionally entrusted to them by the High Commissioner to rescind the proclamation of outlawry against Pretorius and others. This act of grace paved the way for a meeting with the delegates of the emigrants, headed by Pretorius himself as Commandant General. The meeting took place near the Sand River on the 17th January, 1852, when a convention was entered into on behalf of Her Majesty, allowing the community north of the Vaal River to form such government as might seem best to themselves. They were assured of non-interference in the management of their affairs, and non-encroachment on the part of the Government. This boon had been virtually granted by Earl Grey's explicit directions that British dominion should not be extended, but the Commissioners were able to make a favour of what must have soon followed as an inevitable concession. The convention thus concluded was fully

approved of by Sir G. Cathcart as High Commissioner. The confirmation of it was one of the first acts of his administration, and in the proclamation ratifying it, he expressed his hope that the freedom which the emigrants were now graciously permitted to exercise might result in lasting peace amongst themselves, and in fast friendship with the British Government.

The following were the Articles of the Convention:—

1.—The Assistant Commissioners guarantee in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River, the right to manage their own affairs, and to govern themselves according to their own laws, without any interference on the part of the British Government; and that no encroachment shall be made by the said Government on the territory beyond, to the north of the Vaal River: with the further assurance that the warmest wish of the British Government is, to promote peace, free trade, and friendly intercourse with the emigrant farmers now inhabiting, or who hereafter may inhabit that country; it being understood that this system of non-interference is binding upon both parties.

2.—Should any misunderstanding hereafter arise as to the true meaning of the words "The Vaal River," this question, in so far as regards the line from the source of that river over the Drakenberg, shall be settled and adjusted by Commissioners chosen by both parties.

3.—Her Majesty's Assistant Commissioners hereby disclaim all alliances whatever and with whomsoever of the coloured nations to the north of the Vaal River.

4.—It is agreed that no slavery is or shall be permitted or practised in the country to the north of the Vaal River, by the emigrant farmers.

5.—Mutual facilities and liberty shall be afforded to traders and travellers on both sides of the Vaal River; it being understood that every wagon containing ammunition and fire-arms, coming from the south side of the Vaal River, shall produce a certificate signed by a British Magistrate or other functionary duly authorized to grant such: and which shall state the quantities of such articles contained in said wagon, to the nearest Magistrate north of the Vaal River, who shall act in the case as the regulations of the emigrant farmers direct. It is agreed, that no objection shall be made by any British authority against the emigrant boers purchasing their supplies of ammunition in any of the British colonies and possessions of South Africa; it being mutually understood that all trade in ammunition with the native tribes is prohibited both by the British Government and the emigrant farmers, on both sides of the Vaal River.

6.—It is agreed, that so far as possible, all criminals and other guilty parties who may fly from justice, either way across the Vaal River, shall be mutually delivered up, if such should be required, and that the British Courts, as well as those of the emigrant farmers, shall be mutually open to each other for all legitimate processes, and that summonses for

witnesses sent either way across the Vaal River, shall be backed by the Magistrates on each side of the same respectively, to compel the attendance of such witnesses when required.

7.—It is agreed, that certificates of marriage issued by the proper authorities of the emigrant farmers, shall be held valid and sufficient to entitle children of such marriages to receive portions accruing to them in any British colony or possession in South Africa.

8.—It is agreed, that any and every person now in possession of land and residing in British Territory, shall have free right and power to sell his said property and remove unmolested across the Vaal River, and *vice versa*; it being distinctly understood that this arrangement does not comprehend criminals, or debtors, without providing for the payment of their just and lawful debts.

The Kafir war having been brought to a termination by the submission of the chiefs, towards the close of 1852 Sir G. Cathcart turned his attention to the Orange River Territory. Whatever might be the policy ultimately adopted with respect to retaining or abandoning the country, he thought it was necessary to assert the strong arm of authority there. The new Resident, Mr. Green, who succeeded Major Warden, represented the continuance of petty warfare and reprisals on the part of the Basutos against the Baralongs and the burghers. Moshesh had been called to account, and positively engaged to make restitution of the cattle taken by his people, but he had only partially fulfilled his promise and evaded a final settlement. Many of his acts were reported to be ominous of war. His Excellency therefore decided to move into the Sovereignty without delay, and there, according to the disposition shown by Moshesh, to decide whether to regard him as a friend or an enemy.

By the beginning of December, 1852, a force of 2000 men—of which 450 were cavalry, and the remainder infantry, with a battery of artillery—crossed the Orange River and moved in the direction of Moshesh's residence. The country through which they passed was more or less a great undulating plain, out of which, at some miles from each other, up started the most extraordinary mountains with perpendicular rocky sides—some pointed, some with table land, and some broken into various fantastic shapes. No inhabitants of any sort were to be seen until they

arrived at Platberg, where the native chiefs were summoned to assemble. The Governor at once made a demand upon Moshesh for 10,000 head of cattle, and 1000 horses to be delivered over to the British Resident within three day's time, in order to be restored to those from whom they had been stolen. The next day the chief came himself to talk. He spoke of peace: "Peace," he eloquently said, "is like the rain from heaven which nourishes the land and makes the corn grow; but war is as the hot wind, which dries up the earth, and blasts the fruit of the soil." He pleaded that the fine of cattle imposed on him was heavy, and the time for collecting them short; but the Governor reminded him that ample time had already been given him, and that he had failed to fulfil what he had promised. If the cattle was not at once collected, then there would be war. "Do not talk of war," replied the chief, "for however anxious I may be to avoid it, you know that a dog when beaten will shew his teeth. . . . . I will go at once and do my best, and perhaps God will help me."

On the day appointed for the delivery of the cattle by Moshesh, only 3,500 head were sent in, and as there were no signs of any more approaching, his Excellency resolved on the 20th December to move forward and chastise the Basuto chief.

Between the camp and Thaba Bossigo, there lay the Berea mountain—an extensive table land with irregular precipitous edges—upon which armed bodies of Basutos and droves of cattle were seen. His Excellency ordered his force to march in three columns. One, under his own personal observation, and consisting of two companies of the 43rd Regiment, some guns, and a small escort of the 12th Lancers and Cape Corps men—was to move along the western base of the mountain. Another, under Colonel Eyre, was sent to sweep its summit; whilst a third, under Colonel Napier, with the cavalry, was to reconnoitre round the east side, and afterwards meet and join the other two on the plains of Thaba Bossigo, in sight of the chief's residence.

The Basutos were evidently prepared for defence; the full

strength of the fighting men of the tribe, under their captains, was assembled. They were chiefly centred about Thaba Bossigo, but groups of them, well mounted, were visible closely watching the Governor's movements, as the first column rounded the southern angle of the Berea. Approaching one of these parties, His Excellency advanced in person to give them an opportunity of a parley, but he was answered by a shot, and it was only after a couple of rounds of shrapnel were fired into them that they retired. Noon was the appointed time for the junction of the forces before Thaba Bossigo, but it was evening ere Colonel Eyre's detachment appeared, and Colonel Napier's never came at all.

The cause of this was not known until afterwards. The cavalry force under Colonel Napier consisted of 114 of the 12th Lancers, and 119 of the Cape Mounted Rifles. They had a guide to lead them along the valley on the northern side of the Berea, but as they were proceeding they were attracted by a drove of cattle going up a steep path of the mountain. They went in pursuit, and got possession of a number. When retiring with them, a large body of the enemy suddenly fell upon them, cutting off many of the rear-guard—the casualties reported being 4 non-commissioned officers and 23 privates of the Lancers killed. With the cattle captured, (some 4000 head,) Col. Napier and his men at once returned back to the camp. Sir G. Cathcart, in his official despatches, made no mention of the error committed, but in a private letter to his brother, Earl Cathcart, he thus described the affair:—"It was madness for Napier to take his cavalry up a mountain five or six hundred feet high, faced like Salisbury crags all round a table surface of some three or four square miles, and up which there are not above two or three passes practicable for horses. They seem to have run wild after cattle, and the Lancers who were rear-guard got into a mess by trying to get down the mountain side by a water course, which they mistook for a path, while the Basutos got down the right path before them and met them in a fix."

Colonel Eyre, with 470 infantry and 30 cavalry, took the centre of the mountain, where the Basutos presented a herd of cattle in view as if to entice him on. The ascent was made in the most spirited manner, up ground all but inaccessible, and though opposed and fired upon by the enemy above. Once on the top, they saw great troops of cattle, of which they captured about 30,000 head; but they found that 1,500 was as many as they could manage to drive, and the remainder were abandoned. The enemy did not oppose them in the least; they seemed to have fled out of sight. Suddenly, however, a number of mounted men, some with white caps on their heads and bearing lances—which caused them to be mistaken for the Governor's escort—appeared in front. These were Basutos who had appropriated the uniform of Napier's rear-guard, killed in retiring from the mountain. Before the mistake was discovered several soldiers fell into their hands, and amongst them a distinguished officer, Captain Faunce, of the 73rd Regiment.* The Basuto force rapidly increased until it mustered 700 or 800 mounted men, who drew up in line in excellent order, and several times attempted to attack the column, but daunted by the steadiness of the troops, and their coolness in lying down to receive them, they dared not approach near. Colonel Eyre, however, had hard work in fighting his way through, and in descending from the heights, driving his cattle before him towards the plain below, where his instructions required him to proceed.

While these proceedings were taking place upon the mountain, the Governor with his division, under Colonel Cloete, was anxiously awaiting the junction of the columns appointed to meet him at noon. Masses of the enemy's horsemen were observed moving from the Thaba Bossigo poort, and extending along his

* "He behaved like a noble soldier and christian, handed his sword to the enemy, and made signs to them to allow him to pray first, and then to kill him, and knelt down, desiring to be killed in that position. They were speaking of taking him to Moshesh, when a crooked-leg wretch came up, and saying 'they are killing our wives,' killed him with one blow."—*Vide* "History of the Basutos, (J. M. Orpen, Esq.)

front. His Excellency was truly in a most critical situation. The main body of the Basutos, some 10,000 men, were close by in the rugged ground under the mountain; and the old chief looking down upon the General and his little troop, exclaimed in Sesuto, "Morena a ka! Morena a ka! ga u tsebe ka mo u etsang ka teng" (My chief! My chief! you know not where you are going). On the clearing away of a passing thunderstorm, the whole force of the enemy was suddenly displayed; but at the moment happily Colonel Eyre's detachment approached and joined that of the Governor. The Basutos, chiefly cavalry, advanced with remarkable boldness, essaying to surround the troops on all sides; but the admirable discipline of the British infantry, and rounds of canister from the artillery, repulsed and overcame them—and at 8 p.m. they retired with considerable loss. Eyre's soldiers shewed great courage and endurance in this engagement. During the long and arduous day, from early dawn, they had not been able once to halt for refreshment; and the enemy never ceased firing upon them until long after dark. Their casualities were eleven killed and eleven wounded. The Governor and the army bivouaced upon the field, and when morning broke, as no enemy was to be seen, they marched back, with their guns and captured cattle, to the camp on the Caledon River, a distance of fourteen miles—intending to resume operations on the chief's residence in the course of a day or two.

But Moshesh on the previous mid-night had held a council at Thaba Bossigo, and dictated the following letter to the Governor:

"Thaba Bossigo, Midnight, December 20, 1852.

Your Excellency,

"This day you have fought against my people, and taken much cattle. As the object for which you have come is to have a compensation for boers, I beg you will be satisfied with what you have taken. I entreat peace from you. You have shewn your power; you have chastised; let it be enough I pray you, and let

me no longer be considered an enemy of the Queen. I will try all I can to keep my people in order for the future.

"Your humble servant,

"MOSHESH."

The bearer of this, with a flag of truce, followed the Governor to the camp on the Caledon. The letter was in the handwriting of the chief's son Nehemiah, who had been educated at Cape Town, and spoke and wrote English perfectly. "On receiving this document," says Sir George Cathcart, "I recognised an important crisis, in which one false step might involve the nation in a Basuto war, and embarras the Government by perhaps irretrievably compromising the free option as to their future policy in respect to the retention or abandonment of the sovereign rights and obligations of this territory, and at the same time leaving a state of irritation and excitement which might aggravate and perpetuate the evils I came to allay; and requiring an army of occupation to counteract the consequences; whereas the abject and complete submission of the enemy, the sincerity of which I have no cause to doubt, and the forced payment of the penalty which had been accomplished and admitted, were all the solid advantages I could ever hope to gain. Under these circumstances I thought it my duty to accept the chief's submission without further prosecution of the war." His Excellency accordingly returned the following reply:—

"Camp, Caledon River,

"December 21, 1852.

"Chief Moshesh,

"I have received your letter. The words are those of a great chief, and of one who has the interests of his people at heart. But I care little for words. I judge men by their actions. I told you if you did not pay the fine I must go and take it; I am a man who never breaks his word, otherwise the Queen would not have sent me here. I have taken the fine by force, and I am satisfied.

"I am not angry with your people for fighting in defence of their property, for those who fought, and fought well, were not all of them thieves, and I am sorry that many are killed.

"This is your fault, for if you had paid the fine it would not have happened. I now desire, not to consider you, chief, as an enemy of the Queen, but I must proclaim martial law in the Sovereignty, to give to commandants and field-cornets power to make commandos in a regular manner, and with the consent of the resident, enter your country in search of plundered horses and cattle that may be stolen after this time. And I expect you to assist them, for though you are a great chief, it seems that you either do not or cannot keep your own people from stealing; and among the cattle you sent as part of your fine, there were three oxen the property of Mr. Brain, of Bloemfontein, stolen since I crossed the Caledon River. Now, therefore, Chief Moshesh, I consider your past obligations fulfilled, and I hope that you will take measures for preventing such abuses in future. In the meantime, as the Queen's representative, I subscribe myself,

"Your friend,

(Signed,) "GEO. CATHCART,

"Governor."

"P.S.—Chief, I shall be glad to see either yourself or your sons in the same friendly manner, and in the same good faith as before the fight at Platberg, to-morrow or next day; but I shall now send away the army, and go back to the colony in a few day's time.

"G. C."

A proclamation was immediately issued by Sir G. Cathcart declaring peace with the Basutos, repudiating for the future any interference on the part of Government in native quarrels, and giving the European population full licence to protect, secure and recover their property according to the old colonial "commando" system. The British camp at Platberg was broken up before the end of the year, and within a fortnight afterwards the troops were back in the colony. His Excellency's expedition beyond

the Orange River had convinced him that to obviate the risk of serious consequences, Her Majesty's Government should come to a decision either to abandon the Sovereignty or put in force the letters patent granted by the Queen for its government under a Lieutenant-Governor, and with a necessary force of at least 2,000 men to support his authority and keep in check not only the burghers of questionable loyalty, but also the petty native tribes, the Transvaal emigrants, and the powerful chiefs of the Zulus and Basutos—Panda and Moshesh. In either case His Excellency asked that some professed and able statesman of experience should be sent out from England, at any expense, to relieve him of the political duties connected with the accomplishment of whatever course might be determined upon.

These circumstances strengthened Her Majesty's advisers in the determination to rid themselves of what appeared to be a costly and troublesome possession. The project of maintaining the country by a force of 2,000 men was at once pronounced to be inadmissible. The abandonment of it was deliberately and finally resolved upon; and to Sir George Russell Clerk, a distinguished civil officer in the East India Company's Service, and former Governor of Bombay, was entrusted the duty of carrying the measure into effect.

The announcement of the intended relinquishment of the territory was received in the colony with regret and dismay. There was no Parliament as yet in existence, through which the feelings and wishes of the people could be expressed; but from the metropolis and the principal towns several memorials of the inhabitants were forwarded to the Secretary of State, praying that the step should be delayed until more ample information on the subject could be furnished. Those who were acquainted with the nature and resources of the country were satisfied that under a proper administration it would soon yield a revenue fully adequate to all the requirements of its government; and that the character of the people was such that, if they were only permitted the free control

of their own affairs, without stripping them of their allegiance, no community in the world could be more easily managed. Others regarded the retrograde step of dis-Britishing this portion of Her Majesty's possessions as calculated to destroy confidence in the stability of British rule in all parts of South Africa. And not a few were apprehensive that the disastrous consequences would be a resumption of cruel and interminable wars between the natives and Europeans beyond the Orange River, which might endanger the peace and security of the colonial border.

In the meantime the Special Commissioner, Sir George Clerk, reached Bloemfontein early in August, 1853, and at once invited the inhabitants to elect delegates or representatives, to meet in convention in order to arrange the bases of separation and the future form of their relations with the British Government. All the English residents, and a number of the farmers forming this assembly, opposed the arrangements for abandonment by every possible means. They clung to the hope that the memorials and representations sent from the colony would induce the home government to reconsider its decision. With this view, two gentlemen acquainted with all the bearings of the subject,—Dr. Fraser and the Rev. A. Murray, the minister of Bloemfontein,—were sent to England to urge upon the Secretary of State the impolicy and injustice of the proposed measure. But their mission, as well as the representations of the colonists, proved ineffectual. The despatches of Sir George Cathcart and the Special Commissioner weighed against them. These represented the Sovereignty as a great gaming-table, in which the merchants of the Colony were interested; that the Government officials, with only one or two exceptions, had eagerly engaged in land-jobbery, and the whole thing was a bubble and a farce. "The more I consider the position of the territory," said Sir George Clerk, "the more I feel assured of its inutility as an acquisition. It unquestionably has some attractions; its climate is very superior; the herds of game are abundant; the Dutch settlers

and their families rarely live upon anything else whatever,—hence, owing to this almost universal practice, and other most thrifty habits, they are enabled in some instances to accumulate flocks and money to an extent which in a community of this kind is considered wealthiness. But it is nevertheless a vast territory, possessing nothing that can sanction its being permanently added to a frontier already inconveniently extended. It secures no genuine interests; it is recommended by no prudent or justifiable motive; it answers no really beneficial purpose; it imparts no strength to the British Government,—no credit to its character, no lustre to its crown."

The agitation respecting the withdrawal of British authority, and the declaration of Sir G. Clerk that it was finally resolved upon, encouraged those who desired to be freed from its control, to come forward and declare for an independent republic. Standers, Groenendal, and other leaders, held meetings, at which the doings of the first assembly of delegates, and the deputation to England, were repudiated. This party placed itself in communication with the Special Commissioner, offering to co-operate with him in carrying out the impending change,—"Not," they said, "because they regarded the British Crown with any antipathy; their discontent arose with the mis-government of Her Majesty's servants."

The Commissioner thereupon dissolved the first assembly of delegates, and summoned those of the inhabitants who were prepared to take over the Territory, to meet him and arrange the conditions of the cession. They assembled at Bloemfontein on the 23rd February, 1854, and Sir George Clerk resigned to them the government of the country, acknowledging their independence in terms of a convention agreed to, similar to that which had been previously concluded with the emigrant farmers of the Transvaal. The legal abandonment of the Sovereignty was more formally effected by the publication, on the 8th April, 1854, of a Royal Order in Council, and a Proclamation in which Her Majesty the Queen did "declare and make known the abandonment and re-

nunciation of our dominion over the said territory and the inhabitants thereof."

The convention, which was confirmed and approved by Her Majesty's Government, consisted of the following nine articles:—

1. Her Majesty's Special Commissioner, in entering into a Convention for finally transferring the Government of the Orange River Territory to the representatives delegated by the inhabitants to receive it, guarantees on the part of Her Majesty's Government, the future independence of that country and its government; and that after the necessary preliminary arrangements for making over the same between Her Majesty's Special Commissioner and the said representatives shall have been completed, the inhabitants of the country shall then be free. And that this independence shall, without unnecessary delay, be confirmed and ratified by an instrument, promulgated in such form and substance as Her Majesty may approve, finally freeing them from their allegiance to the British Crown, and declaring them, to all intents and purposes, a free and independent people, and their Government to be treated and considered thenceforth a free and independent Government.

2. The British Government has no alliance whatever with any native chiefs or tribes to the northward of the Orange River, with the exception of the Griqua chief, Captain Adam Kok; and Her Majesty's Government has no wish or intention to enter hereafter into any treaties which may be injurious or prejudicial to the interests of the Orange River Government.

3. With regard to the treaty existing between the British Government and the chief Captain Adam Kok, some modification of it is indispensable. Contrary to the provisions of that treaty, the sale of lands in the Inalienable Territory has been of frequent occurrence, and the principal object of the treaty thus disregarded. Her Majesty's Government therefore intends to remove all restrictions preventing Griquas from selling their lands; and measures are in progress for the purpose of affording every facility for such transactions,—the chief Adam Kok having, for himself, concurred in and sanctioned the same. And with regard to those further alterations arising out of the proposed revision of relations with Captain Adam Kok, in consequence of the aforesaid sales of land having from time to time been effected in the Inalienable Territory, contrary to the stipulations of the Maitland Treaty, it is the intention of Her Majesty's Special Commissioner, personally, without any unnecessary loss of time, to establish the affairs in Griqualand on a footing suitable to the just expectations of all parties.

4. After the withdrawal of Her Majesty's Government from the Orange River Territory, the new Orange River Government shall not permit any vexatious proceedings towards those of Her Majesty's present subjects remaining within the Orange River Territory, who may heretofore have been acting under the authority of Her Majesty's Government, for or on account of any acts lawfully done by them, that is, under the law as it existed during the occupation of the Orange River Territory by the

British Government. Such persons shall be considered to be guaranteed in the possession of their estates by the new Orange River Government.

Also with regard to those of Her Majesty's present subjects, who may prefer to return under the dominion and authority of Her Majesty, to remaining where they now are, as subjects of the Orange River Government, such persons shall enjoy full right and facility for the transfer of their properties, should they desire to leave the country under the Orange River Government, at any subsequent period within three years from the date of this convention.

5. Her Majesty's Government and the Orange River Government shall, within their respective territories, mutually use every exertion for the suppression of crime, and keeping the peace, by apprehending and delivering up all criminals who may have escaped or fled from justice either way across the Orange River; and the courts, as well the British as those of the Orange River Government, shall be mutually open and available to the inhabitants of both territories for all lawful processes. And all summonses for witnesses, directed either way across the Orange River, shall be countersigned by the magistrates of both Governments respectively; to compel the attendance of such witnesses, when and where they may be required; thus affording to the community north of the Orange River every assistance from the British courts, and giving, on the other hand, assurance to such colonial merchants and traders as have naturally entered into credit transactions in the Orange River Territory, during its occupation by the British Government, and to whom, in many cases, debts may be owing, every facility for the recovery of just claims in the Courts of the Orange River Government. And Her Majesty's Special Commissioner will recommend the adoption of the like reciprocal privileges by the Government of Natal, in its relations with the Orange River Government.

6. Certificates issued by the proper authorities, as well in the colonies and possessions of Her Majesty as in the Orange River Territory, shall be held valid and sufficient to entitle heirs of lawful marriages, and legatees, to receive portions and legacies accruing to them respectively, either within the jurisdiction of the British or Orange River Government.

7. The Orange River Government shall, as hitherto, permit no slavery, or trade in slaves, in their territory north of the Orange River.

8. The Orange River Government shall have freedom to purchase their supplies of ammunition in any British colony or possession in South Africa, subject to the laws provided for the regulation of the sale and transit of ammunition in such colonies and possessions; and Her Majesty's Special Commissioner will recommend to the Colonial Government, that privileges of a liberal character, in connection of import duties generally, be granted to the Orange River Government, as measures in regard to which it is entitled to be treated with every indulgence, in consideration of its peculiar position and distance from the sea-ports.

9. In order to promote mutual facilities and liberty to traders and travellers, as well in the British possessions as in those of the Orange River Government, and it being the earnest wish of Her Majesty's Government that a friendly intercourse between these territories should

at all times subsist, and be promoted by every possible arrangement, a consul or agent of the British Government, whose especial attention shall be directed to the promotion of these desirable objects, will be stationed within the colony, near to the frontier, to whom access at all times may readily be had by the inhabitants on both sides of the Orange River, for advice and information, as circumstances may require.

A provisional government was formed by the Boers of the new Free State, until a properly elected council could be appointed. The members were:—Josias Philip Hofman, president, and Adrian Standers, Groenendal, Du Plooy, Sinde, J. Venter, and Du Toit, members. They issued a circular announcing to their "fellow-citizens and fellow-countrymen," that the day upon which the convention had been signed was the birthday of their independence. "What we became upon it," said they, "we got, unsolicited, by the noble magnanimity of Her Britannic Majesty, yesterday still our respected Queen; and whilst other nations sacrificed years of struggle and torrents of blood for this precious gem, we obtained it by merely accepting what was offered to us. According to convention we have been declared to all intents and purposes a free and independent people!"

A republican constitution was drawn up and adopted. The Volksraad, or Assembly of the People, was declared the supreme power in the State. All "white" persons who were born in the State, or who had resided any time in it and had fixed property, or leases of fixed property or incomes, were acknowledged as burghers, and qualified to vote for the election of members of the Volksraad and for the State President. The proceedings of the new government, upon the whole, were creditable to a simple people suddenly called upon to form a government in the face of great difficulties. "Unity within and peace without" was the policy they announced; but at the very outset they had to contend with circumstances which threatened to involve the country in all the direful calamities of intestine strife.

According to the Convention, the treaty between Adam Kok and Her Majesty's Government was still in force, and the Griqua

chief claimed independence within his territory. The Orange River Government, on the other hand, contended that the sovereignty over Adam Kok's territory was ceded to them, and that they were its legitimate sovereigns; and in support of this they produced certain agreements in writing entered into with them by the Special Commissioner. These supplementary articles, although not attached to the Convention, were acknowledged by Sir George Clerk to have been agreed to by him. They provided that whenever any Griqua lands were sold to any person of European descent, such lands fell at once under the Orange River Government; that when Adam Kok departed from his territory, the treaty between the British Government and him would lapse; that so long as the treaty did exist, the Orange River Government possessed authority over the so-called Alienable Territory; and that lands in the Inalienable Territory, which according to the Maitland treaty had been converted into forty years' leases, should be acknowledged as lawful sales. These conditions were unknown to Adam Kok or the Griquas. In ignorance of it they went on dealing with lands,—many of the Griqua owners selling secretly, and the chief being unable to restrain them,—until 1857, when scattered portions of land having been sold in every part of their territory, they were not only told that they had parted with the land, but also with the sovereignty over each portion of it, and that Great Britain had guaranteed this. Their country was then divided into districts, in which Free State Officers were placed and taxes levied.

Against such a proceeding they remonstrated, and appealed to the Governor of the Cape Colony. His Excellency Sir George Grey applied to the Secretary of State for instructions, and was authorised to interfere, but only to the extent of preventing hostilities, and with the distinct understanding that the British Parliament was not to make any provision in the way of compensation. As a solution of the difficulty, it was suggested that those Griquas who still held farms should sell them, abandon the

country, and find some other convenient place for a settlement. The Governor favoured this proposal, and procured a suitable tract of country for them, situate between the sources of the Umzimvooboo and the Umzimkulu Rivers, on the border of Natal. He considered that they would do good work as the pioneers of civilization, and lying in the rear of the Kafir tribes, would prove important auxiliaries in the event of a Kafir war. To this territory, then known as Nomansland, but now termed Griqualand East, Adam Kok and the Griquas moved in 1860, and their settlement was legally annexed to the Cape Colony in 1875.

The Free State, however, had a more formidable difficulty to encounter in settling the boundary-line with the Basutos. Under the proclamation of Sir Harry Smith, Moshesh had agreed to a boundary laid down by Major Warden in 1849 in accordance with the plan of "leaving the white man where he was found and the black man where he was found." This arrangement was left untouched by Sir George Cathcart, who was of opinion that "it would be most dangerous to meddle with so defective and ill-cemented an edifice." Sir G. Clerk was equally reluctant to interfere with it; but in his supplemental conditions with the Boer delegates he agreed to an article, providing that in the event of disputes arising out of claims or limits of farms on the Basuto boundary, arbitrators should be appointed, and if it appeared that the claim had been previously approved by British authority, the aggrieved party would be entitled to compensation from the British Government. When the Sovereignty was abandoned, however, the Basutos considered that everything had reverted to its original state, as before Sir Harry Smith's proclamation. The Special Commissioner, they said, "had carried the boundaries away with him." Moshesh again advanced his claim as paramount chief, and bands of his people scoured the country hunting game, declaring they were the rightful owners of the soil, and utterly disregarding the "Vagrancy Law" of the State, which required natives to be provided with "passes" or certificates from a magis-

trate, a justice of the peace, or a missionary. Towards the end of 1855 war appeared inevitable, and would have broken out, but for the presence and advice of Sir George Grey, who urged upon them the reference of all questions of encroachment or trespass to arbitration. In 1858, hostilities actually broke out, and the Free State community, soon exhausted with carrying on the strife, applied to Sir George Grey to intervene, and to put a stop to the bloodshed and spoilation which had taken place. His Excellency's mediation was accepted. He visited the territory in dispute, and gave the award in favour of the boundary-line claimed by the Free State, which he personally pointed out to both parties, and which they agreed to respect. The aggressions of the Basutos very soon again led to war, and in 1864 the Governor of the Colony was once more implored to come in as arbitrator. Sir Philip Wodehouse, who was then administering the Government, at once acceded to the request, and the result of his arbitration, like that of Sir George Grey's, was favourable to the Republic. In 1866, the burghers again took up arms, and after eleven months' warfare Moshesh had to sue for peace, and signed a treaty ceding a tract of country to the conquerors. But in 1867, the murder by Basutos of a trader and a farmer in the annexed territory, led to a renewal of hostilities, which were continued until 1868.

The sacrifice, suffering, and misery caused by this continuous strife was most deplorable. In the Free State the inhabitants were both the soldiers and the tax-payers, and had moreover to supply whatever was required for the transport of the commandoes. The sacrifices they were obliged to make were very great. Martial law was proclaimed. The procedure of the civil courts was suspended; commerce and industry were paralyzed. The revenue was exhausted; and a paper-currency had to be forced into circulation, to provide the sinews of war. The Basutos, on the other hand, were badly supplied with arms and ammunition. Defeated in open fight, they took to the mountain fastnesses and caves

which they had strongly fortified and deemed impregnable; but these places were stormed, and numbers of the natives were killed and wounded. Their crops were everywhere destroyed. Their mission stations were broken up. The women, the aged, and the children had starvation before them, unless they fled and took refuge in the neighbouring territories.

These unhappy circumstances were regarded with much concern in the colony. Sir Philip Wodehouse tendered his good offices to restore peace; but the Boer government was not inclined to yield until they had thoroughly humbled their enemy and recovered the expenses of the war. Moshesh, however, had repeatedly made overtures for becoming subject, with his tribe, to Her Majesty's Government. He was getting old, and he wished "that his people should be allowed to rest and live under the large folds of the flag of England before he was no more." His Excellency,—authorised by the Secretary of State to accept the proposal,—informed the Free State of the possibility of British sovereignty being extended over the chief and his tribe, and again asked for a suspension of hostilities, with a view to negotiation. At that moment the burghers were everywhere victorious, and their forces had reached close to Moshesh's residence, Thaba Bossigo. Any truce could scarcely have been reasonably expected from them. The Basutos, pressed at every point, were in great difficulties and, threatened with annihilation. To rescue them from their position, His Excellency the Governor, on the 12th of March, 1868, proclaimed them British subjects, and their territory British territory.

Peace was thus restored, and the Free State, with a line of boundary acknowledged and maintained by the British Government, had the best possible guarantee of immunity for the future from the disorders and miseries of the past. But the method by which so desirable a state of things had been secured, was regarded by the Volksraad as a breach of the Convention of 1854. That agreement they held precluded Her Majesty's Government

from entering into any treaty with native chiefs injurious or prejudicial to the Free State Government. They therefore protested against the action of Sir Philip Wodehouse, and sent a deputation to England,—the Rev. Mr. Van de Wall, minister of Bloemfontein, and Mr. De Villiers, a member of the Volksraad—to represent their grievance to Her Majesty's advisers.

The interpretation of the Convention had long ere this time perplexed the Cape authorities. Sir George Grey, in 1857, had asked for instructions on the subject, and Mr. Labouchere, who was then Secretary of State, informed him that Her Majesty's Government could not admit that the general declarations embodied in these conventions amounted to a renunciation for all future time of the right to conclude treaties with the native tribes specified therein, under all supposable circumstances. They conceived that those declarations were to be taken as regards the future, as amounting to no more than a general indication of the policy of Her Majesty's Government,—namely to avoid embarrassing those Free States. Any interference with them, otherwise than by the proffer of advice or the interposition of good offices, was accordingly forbidden. And the principles laid down for the Governor's guidance were briefly stated as follows:—To observe justly the spirit of the treaties entered into with the neighbouring independent states; to maintain the integrity of our possessions on the confines of those states, but to avoid any extension of their limits to which they might justly object; and to forbear mixing ourselves up with the affairs of the native tribes, except as far as might be clearly indispensable for the protection of Her Majesty's subjects. The main ground of the Free State complaint was that this "non-intervention" policy had been departed from.

On the arrival of the delegates in London, their representations received every attention from the Queen's Government; but the generous interference of Sir P. Wodehouse to save the crushed Basutos from the last consequence of the war they provoked, had already been confirmed and was an accomplished fact. The

delegates, however, were informed that there was not, and had not been, any desire or disposition on the part of the British Government to act in an unfriendly way towards the Orange Free State; that it could not be doubted that the State would benefit by any measure which would secure permanent tranquility; and that it was for the sole object of putting an end to the chronic state of warfare which had existed, to the great detriment of the British colonies and to the peace and security of all the European settlers in South Africa, that the step had been taken. The question was thus settled, and a definite boundary line between the Free State and Basutoland amicably agreed to by the Convention of Aliwal North, dated 12th March, 1869.

The action taken in regard to the Basutos formed a precedent for the extension of Sovereignty, a few years later, over the Griqua territory of Waterboer. This country, situate on the western border of the Free State, was also the subject of a boundary dispute. After the proclamation of sovereignty by Sir H. Smith in 1848, the British Resident at Bloemfontein had granted farms to Europeans, who had settled upon occupied grounds there. He had not then the slightest idea that Waterboer had any claim thereto. When the abandonment of the Sovereignty was decided upon, the Special Commissioner, Sir George Clerk, had his attention directed to the matter, as one which might involve difficulties at a future time, and he promised it would be attended to. But it was left as a legacy of trouble to the Free State Government, with whom Waterboer lodged his complaints and protests against encroachment.

While the line of demarcation was still unsettled, the existence of large deposits of diamonds in the territory was suddenly discovered. The trackless plains that had appeared to travellers "a howling wilderness" proved to be a glittering Golconda, attracting thousands of adventurous "diggers" of every rank and condition, from the Cape Colony and Natal, as well as from England, Europe, and America. The Free State sent an officer to exercise

magisterial functions within the lands over which it had assumed jurisdiction; the Transvaal laid claim to other parts north of the the Vaal River; and Waterboer re-asserted his rights, and urgently appealed for protection and acceptance as a subject to Her Majesty's Government. The peculiar circumstances of the "digger" community induced the High Commissioner, Sir Henry Barkley, at once to authorize measures for the maintenance of order, the collection of revenue, and the administration of justice amongst them. Shortly afterwards, the proposals of Waterboer and his people to be received as British subjects were formally accepted; the High Commissioner considering that to replace a native authority there by one under Her Majesty's Government could not by any possibility be injurious to the adjoining republics. Following this cession, on the 27th October, 1871, the country was proclaimed British territory, under the name of the Province of Griqualand West. The adjustment of the boundaries, however, was left open for settlement by arbitration or other arrangement. The differences with the Free State formed the subject of much discussion and long correspondence; and all endeavours to refer it to arbitration failed, as no plan could be mutually agreed upon. At length, in 1876, the Secretary for the Colonies, Earl Carnarvon, invited His Honour, President Brand, to visit England and confer with him personally upon the matters in dispute. The invitation was accepted, and the result was a satisfactory conclusion of the controversy. Her Majesty's Government agreed to pay a sum of £90,000 in full settlement of all claims; and as an additional proof of good feeling and desire for the national prosperity of the Free State, offered a further sum of £15,000 to encourage the construction of railways within that territory. The respective governments, under the terms of this agreement, engaged "to seek by friendly co-operation hereafter, all that can advance the common interest of both countries."

In the Republic beyond the Vaal River, after the declaration of its independence, the government formed was of a ruder and

less enlightened character than that of the Free State. There were many in the community who for years before had been on the outskirts of civilization, and imbibed a natural antipathy to law and restraint. Living "afar in the desert," isolated from the rest of mankind, the undisputed possessors of limitless acres, and lords over all they surveyed, they disliked interference with their affairs, and were ready, upon any infringement of their wild liberty to push on further into the interior. Their social system was in close imitation of the Israelites of the Old Testament. Each head of a family was the supreme master over a whole class—his children, married men and women, with their youngsters, residing with him and rendering him service, obedience and respect. They were kind and hospitable to excess, upright and faithful in their dealings, and looked for the same qualities in others. But with these virtues they had peculiar and strong prejudices. Some entertained á fanatical idea that they were promised the heathen for an inheritance, and the uttermost parts of the earth for a possession. The natives they regarded as an inferior race, and foremost in their "fundamental law," or Constitution of the Republic, was the declaration that "the people will admit of no equality of persons of colour with white inhabitants, neither in State nor Church." They made little scruple about obtaining possession of native children, sometimes as captives of war, sometimes by purchase from the natives, sometimes by mere violence. The children so procured were indentured (or as it was called "inbocked,") up to the age of 22 or 25 years. It was a practice common on the Border in the early days of the Cape Colony, but it was liable to abuse, especially in a state of society untramelled by authority, and not very solicitous as to the rights nor very careful as to the lives of the aborigenes. Acts of cruelty and wrong were thus committed which provoked retaliation, and hostilities with the savage tribes around them frequently occurred, requiring the whole community to unite for mutual defence. The wonder is that so few outrages have been recorded

in connection with the collisions inevitable between these two races situated on the margin of civilization in the wilderness.

The Sand River Convention of 1852 was interpreted by the emigrants as placing all the country north of the Vaal River, and inland as far as the equator, under their control, and they were very jealous of any encroachment upon it, especially by British subjects. To such an extent did they carry this feeling, that they adopted a policy of isolation. They had little intercourse with the parent colony, or even the adjoining Free State, and scarcely ever saw any of their countrymen, whose superior character or intelligence might beneficially influence them. It happened, however, that the discovery (made by Messrs. Owen and Murray, and Dr. and Mrs. Livingstone) of Lake Ngami, gave a stimulus to travelling in the interior. Several parties started—some in pursuit of game, some for purposes of trade, and some for Geographical discovery. The Boers were apprehensive that the English Goverment would again follow them up if they did not stop these proceedings. They also feared that the numberless natives to the north of them would be supplied with arms and ammunition. For these reasons they attempted to block up the path, refusing any passage through the Republic, and in some cases ordering the expulsion of visitors across the Vaal.

Some of them likewise viewed with ignorant alarm and hostile feeling the civilization of the natives by christian missionaries. Messrs. Inglis and Edwards, two agents of the London Missionary Society, who had been labouring for some years near Rustenburg, were expelled from the country. Dr. Livingstone was residing as a missionary and medical practitioner with the Backwains at Kolobeng, under the chief Secheli, when an attack was made upon that village, as the chief had given shelter to another native chief who was accused by the Boers of committing thefts. The missionary was absent from the station at the time, but his house was broken into by the "commando," and his books and everything else destroyed. It had served as a depôt for the travellers

and traders visiting the region around Lake Ngami, and the fact of some guns being there gave rise to the idea that it was a gun-maker's shop. "I received the credit of having taught the tribes to kill the Boers," says Dr. Livingstone in his "Missionary Travels;" "and my house, which had stood perfectly secure for years under the protection of the natives, was plundered in revenge. English gentlemen who had come in the footsteps of Gordon Cumming to hunt in the country beyond, and had deposited large quantities of stores in the same keeping, and upwards of eighty head of cattle as relays for the return journeys, were robbed of all; and when they came back to Kolobeng found the skeletons of the guardians strewed all over the place. . . . . I do not mention these things by way of making a pitiful wail over my losses, nor in order to excite commisseration; for though I do feel sorry for the loss of Lexicons, Dictionaries, &c., which had been the companions of my boyhood, yet, after all, the plundering only set me entirely free, and I have never since had a moment's concern for anything I left behind. The Boers resolved to shut up the interior, and I determined to open the country; and we shall see who have been most successful in resolution—they or I." Livingstone thereupon made his remarkable journey across the continent of Africa—through lands for the most part untrodden and untravelled by Europeans, and up to that time supposed to be inaccessible. His courage, energy, and success attracted the attention and admiration of the whole world, and at once gave a stimulus to geographical and mission work. The darkness that had brooded over Africa was dispelled and the blanks on its map were soon filled up. The interior became revealed to view as a fertile upland region, diversified with lakes, rivers, valleys and plains, inhabited by black men of docile disposition, inviting the christian missionary and the trader to introduce and diffuse amongst them the elements of a better life. True to his resolution, Livingstone never abandoned his work of "opening up the country." He continued to prosecute his explorations, pushing for-

wards to the equator the advantages which his former enterprizes had to some extent secured him. While thus gallantly working on single-handed—and in his loneliness in the wilderness invoking heaven's rich blessing on everyone helping forward the regeneration of the African race—he succumbed to illness, and died at Ilala on the 4th May, 1873. His faithful negro servants carried his body to England, and the remains of the greatest "Voor-Trekker" South Africa has ever known repose with the honored dust of Britain's noblest worthies in Westminster Abbey.

The territory of the Transvaal—or as it was afterwards re-christened by its Volksraad, the "South African Republic"—formed the finest stretch of land in all South Africa. It abounded in rolling plains and highlands, everywhere well watered, and adapted for both agricultural and pastoral pursuits, while its mineral treasures gave many surface indications of being rich and various. Peopled by an intelligent and progressive community, it would at once have become prosperous, and rapidly advanced in wealth and importance. Unfortunately those who possessed it did not derive their ideas of social amelioration from the lights of schools or history, but from their own and their forefather's experience in the rough patriarchal system, which, in the inland districts of the colony, had for more than a century and a half remained almost without any perceptible change.

Party strife manifested itself at an early date amongst them, and the State was threatened with being broken up into two or three still more petty republics. While Pretorius and his adherents living near and to the south of Magaliesberg were united, another party in the district of Leydenburg had a government of its own, and a third occupying the country about Zoutpansberg kept aloof from them both. In 1853 Pretorius died, with his last breath admonishing the "fathers of the land" to give up strife and ambition, to preserve unanimity and love, and to take care of the Ministers of the Gospel, that morality and civilization might be disseminated among old and young. His

son, M. W. Pretorius, was afterwards selected as President, and under him in course of time a final union of the different contending parties took place. But the power of the Government was weak, and its plans for establishing law and order were frequently ineffectual.

This impotence of authority led to occurrences which have left dark blots upon the pages of history of this country. One of them was the tragedy of Potgieter's Rust and Makapan's Caves, which took place towards the close of 1854.

Hermanus Potgieter (a brother of Hendrik Potgieter, the first commandant) had gone upon a hunting expedition,—elephant hunting and the collection of ivory and ostrich feathers being his chief occupation. He was a rough borderer, who had no compunction about forcibly carrying off anything he found in the possession of natives, and even occasionally made a raid amongst them, capturing their children for barter with the traders from Delagoa Bay and elsewhere. In passing the neighbourhood of a tribe under the chief Makapan, who had suffered from such depredations, they fell upon Potgieter, and barbarously murdered both himself and his party, including some women and children. The families of some other emigrants who had gone to Makapan for the purpose of bartering corn, were also destroyed. Hermanus Potgieter was pinned to the ground, while his savage foes actually skinned him alive. The fate of the others was equally horrible.

When reports of the massacre reached Potchefstrom, a commando was formed under Mr. M. W. Pretorius, to proceed at once to revenge it. Mr. P. G. Potgieter (a nephew of Hermanus) with a number of farmers from Zoutpansberg and Leydenburg; also marched to the spot, and the two forces, numbering altogether 500 strong, combined against the murderers of their countrymen. The scene they witnessed, and the proceedings they took, are

described in shocking detail in a letter from Pretorius. "Here, he said, "I saw with my own eyes, what had been written to me relative to the cruel manner in which the massacre had been effected. The bodies found were mostly of females; one body, that of a tall man, was sadly mutilated, all the fingers, from the tops to the palm of the hand, were cut open, the head was cut off, and the body thrown into the water. Evidently every possible means of torture had been practised upon the victims. At one of the kraals was found melted human fat, in which the hands had been baked on spits. In addition to this we discovered some other tokens of unbridled cruelty, which decency prevents me to name. Whether the people were subjected to these barbarities before, or after, their death, I cannot say. This abominable spectacle, which filled my soul with disgust, induced me to adopt the firm resolution to chastise the barbarians, though I should sacrifice my life in the act."

Makapan and his tribe, in the meantime, had retired, and ensconced themselves in one of the vast caverns, which occur in the limestone formation in that part of the country. Pretorius followed them to this retreat, and immediately charged them, but the enemy, driven from their entrenchments, retired deeper into the subterranean recesses. These extraordinary caves were upwards of 2000 feet in length, by 300 to 500 feet wide, intersected by several walls, and so dark that no one could penetrate the gloom. The Boers did not consider it prudent to rush into them, and devised another plan to destroy the foe. At a council of war it was resolved to blast the rocks above, and thus crush and bury

the Kafirs alive under the ruins. The scheme was attempted, but failed, owing to the slatey character of the rocks proving unfavorable to the operations. Orders were then given to besiege the caverns, and to reduce the wretches within to the extremities of famine. Patrols kept ward night and day, and with their rifles shot down any of the enemy who shewed themselves. Pretorius' colleague, P. G. Potgieter, while thus engaged, was knocked over by a bullet fired from the mouth of the cavern. Eight days' close siege, however, did not prove effectual; neither Makapan nor his followers shewed any signs of giving way or coming out. It was then determined to block up all the entrances. Fifty span (teams) of oxen and about 300 friendly Kafirs were employed at this work, and many loads of stone and trees were brought up and thrown into the openings of the caverns. At length the pangs of thirst told upon the miserable creatures within, and numbers of them, including women and children, suffering from want of water, sallied forth, but only to die after they had drank a little. At the end of three weeks, the commando could no longer bear the horrible stench of the dead, both within and without the caves, and Pretorius gave the order to raise the siege. The number of the Kafirs who had fallen outside amounted to upwards of 900. Those who had died inside must have been much greater. Makapan and his tribe were well nigh annihilated, and their village or "kraal" laid in ashes. For years afterwards the supremacy of the white man was unquestioned in that part of the Transvaal.

In 1859 when Mr. Boshoff resigned the office of President of

the Free State, out of four candidates nominated to succeed him, Mr. M. W. Pretorius was elected by a large majority of votes. He accepted the post, leaving Potchefstrom for Bloemfontein, where he continued until 1863. He had long been desirous of uniting the two Republics under one government, but Her Majesty's High Commissioner had significantly intimated that such a proceeding would *ipso facto* annul the Conventions of 1852 and 1854. Besides this obstacle, the Free State burghers themselves did not regard the proposal for union very favourably. They had learned to acknowledge constituted authority, and were reconciled to the payment of taxes for the support of their government; but they were aware that beyond the Vaal River there were many of the old discontented party who disapproved of any administration whatever, which showed resolution and power enough to compel the performance of their social duties. The Union Scheme therefore did not find favour.

In 1863 Mr. Pretorius retired from the Free State, to look after his own interests in the Transvaal. In his absence various men had been put forward as leaders—Schoemans, Rensburgs, and Jouberts—but each in turn were displaced, as the influence or power of their partisans varied. Anarchy and confusion prevailed. Pretorius' return therefore was acceptable to the lovers of order, and he was soon reinstated as President. In 1868 he issued a proclamation declaring the boundaries of the Republic, which called forth a protest from many of the native tribes; and a refusal from Her Majesty's Secretary of State (the Duke of Buckingham) to recognise its validity. In the year following a treaty was

concluded with the Portuguese officials, by which it was mutually agreed that the eastern boundary of the Transvaal should be the Lobombo range. On the north, the Limpopo was claimed as the limit, but the Kafirs in the Zoutpansberg had for some time made matters uncomfortable for those settled there, and the town of Schoemansdal, formerly occupied by the farmers, was actually abandoned. On the Zulu border again there was a strip of territory in dispute, which the Zulu chief Cetywayo pressed the Natal government to take over as a barrier against encroachment. To the south, the actual source of the Vaal River was a matter of contention with the Orange Free State, but this was amicably settled in 1870 by a friendly reference to Governor Keate. On the west, however, there still remained for adjustment the boundaries with the Griqua, Baralong, and Batlapin chiefs, who claimed the ground between the Vaal and the Hart Rivers.

Sir H. Barkly, as High Commissioner in 1871, took up the cause of the Griqua chief Waterboer, and proposed to have the matter settled by arbitration. Pretorius and the Transvaal government consented, and two arbitrators (Messrs. Campbell and O'Reilly) were appointed, with Lieutenant-Governor Keate, of Natal, as umpire, to bring the dispute to a definite conclusion. The arbitrators entered upon their duties at Bloemhoff in presence of Mr. Pretorius, and being unable to agree, the evidence taken by them was referred to Mr. Keate, whose final award was unfavourable to the claims of the Republic.

This adverse decision, and the acceptance of the Griquas as British subjects by the proclamation of Sir H. Barkly in 1871,

excited much dissatisfaction amongst the burghers, and was protested against by some as a breach of the Convention of 1852. The Volksraad met and passed a resolution disapproving of all the President's proceedings, and repudiating the Bloemhoff arbitration and award. The grounds set forth as a justification of this extraordinary course were, that by the constitution of the State, Mr. Pretorius, as President, had no power to enter into the arbitration, nor authority to sign himself alone any act of submission, and that the signature of the State Secretary was necessary to make the Act valid. Mr. Pretorius was virtually dethroned for what he had done. He at once tendered his resignation. The High Commissioner and Her Majesty's Government, however, declined to accept the Volksraad's repudiation, and declared their intention to abide by and maintain the Keate award.

Meanwhile the character of the population north of the Vaal River was undergoing a change. The Government was still virtually in the hands of the Boer party; but enterprising settlers, who had moved into the Republic from the Cape Colony, Natal, and the Free State, as well as from various portions of Europe, urged the more intelligent of them to look for a new leader outside of their own numbers. In 1872, the choice of the people fell upon the Rev. Thomas Francois Burgers, a clergyman of the Dutch Reformed Church, in the district of Hanover, Cape Colony, who immediately accepted office as State President.

Mr. Burger's ability and his enthusiastic sympathy with his fellow countrymen were widely known, and his advent was

welcomed on all sides as promising to be beneficial to the material prosperity of the Border settlers, and as likely to draw closer the ties which ought to unite them with the inhabitants of the country from which they emigrated.

VIII.

Representative Institutions—The Convict Agitation.

Sir G. Napier's support of the first Petition for a Representative Assembly —Gradual Changes in the form of Government—Character of the Population—Obstacles to be encountered—The Reformers of 1842 —Earl Grey's Policy of Self-Government for the Colony—Sir Harry Smith's instructions—Mr. Porter's draft Constitution—Joint Recommendations of the Governor, the Executive, and the Judges—the Anti-Convict agitation—The Cape a Penal station —Resistance of the Colonists—The Anti-Convict Association—The "Pledge, and its operation—The *Neptune* detained in Simon's Bay—Earl Grey's concession and apology—The Penal Order in Council revoked, and the Convicts sent to Van Diemen's Land— —The result of the contest.

To the want of the people's participation in the management of their affairs, the difficulties of the Cape Government were chiefly to be ascribed.

Such was the opinion expressed in 184 y Governor Sir George Napier, when supporting with his high authority the first petition from the Cape, praying that the Government of the Colony might be assimilated in principle and form to that of Great Britain. His Excellency had travelled extensively through the country; and in his journeys he had observed that many of the rural population were led through ignorance to misconstrue, and hence to be dissatisfied with the measures of Government; and it was his conviction that very great advantages would result from the free discussion, in a popular assembly, of the various subjects affecting the welfare of the community. He also regarded

it as highly important that the inhabitants collectively should be assigned a share in the management of their affairs; as many of them, and especially the descendants of the original colonists, required some such stimulus in order to shake off their old habits of total and implicit reliance upon the powers of their rulers for aid and guidance in many cases when they would much more effectually assist themselves by the use of their own resources. The establishment of a representative assembly, he thought, would thus teach them to think and act, and afford a necessary political education that would soon train both electors and elected to a more just and comprehensive view of public interests.

For many years previously gradual changes had been introduced from time to time in the institutions of the Colony. From 1806 downwards till 1825, the fiat of the Governor alone was law. But in 1825 an official executive council was appointed, to advise and assist in the government. In 1827 a free press was established, and a Supreme Court of Justice and trial by jury instituted. In 1834 slavery was abolished, and in 1838 complete freedom granted to the emancipated negroes. All unnecessary restraints were thus removed from the colonial population, and every individual in the country was acknowledged equal in the eye of the law. The Council of Advice of 1825 was supplemented by the issue of Royal Instructions in 1834, creating a Legislative Council, having legislative authority. The constitution of this council was based upon the principle of representation by election of the Crown. It consisted of six officers holding offices of trust and emolument under the Governor; and six others, unofficial persons nominated by the Governor and confirmed by the Crown. Freedom of debate and of vote in all matters of public concern was secured to the members. Many useful measures were considered and matured by them, and among others a system of municipal and divisional wards for the administration of local affairs, and the construction and maintenance of roads, which familiarised the public mind with the principles of representative

government. The people, however, became discontented with this nominee council, as they witnessed the admission of members taken from the inhabitants, but not elected by them. They began to realise that, while their interests were most materially affected by its proceedings, they were excluded from all influence upon its action. These disadvantages impressed the more intelligent and enterprising of the community with the conviction that a large measure of self-government was necessary, if the colony was to advance at all in the career of improvement. Petitions from the inhabitants of Cape Town and its vicinity were accordingly addressed to the Queen, praying for a Legislative Assembly composed of representatives freely elected by the people.

Lord Stanley (afterwards the late Earl Derby) was Secretary for the Colonies when Governor Napier's recommendations, supporting the petitions to the Queen in Council, reached home. His lordship admitted the abstract justice of the principles enunciated by the Governor, but he thought there were several obstacles which would hinder the application of them to the Colony. The more serious of these were ranged under two heads. One was, that the geographical circumstances of the country,—the wide extent of the territory over which the population was spread,—the want of roads and the toil and cost of a journey,—the necessity of personal attention to agricultural or pastoral pursuits, and of protection against the invasions of predatory tribes on the frontier,—would prevent the remote parts from being represented or having their due weight in a legislative meeting at the seat of Government at Cape Town. The other was the difficulty arising out of the peculiarly mixed character of the population.

The inhabitants consisted of various races, widely differing from each other in character and in the progress they had made in civilization. There was the English race, the least numerous, although the most active and intelligent class. There were the wealthy and influential old colonial settlers or their descendants, who although uniting with the English in public and private life,

had many peculiar ideas, and antipathies. The free aborigines formed a third class; they were manifestly much depressed in the scale of society. There was also a body of emancipated negroes. And to them might be added the Fingoes and other tribes whom the events of the Kafir war had made permanent residents in the eastern districts. With such diversity of race, both of European and African descent, would it be possible to obtain that community of sentiment and purpose which was essential to the working of free institutions? And would there not be a danger that one class might be tempted to abuse its newly-acquired rights to the injury of others? Such were the questions which Lord Stanley referred back to the colonists. He did not wish to treat their petition with an inexorable and fixed negative; but he required that the difficulties which appeared in his way should be removed, for he felt it was no light thing to throw down the barriers which had hitherto afforded protection to the great mass of the colonists, and to hazard the consequence of placing them without that protection, in the presence of an authority the abuse of which might work out a great amount of irremediable injustice.

The Reformers in the Colony, to whom these views of the Secretary of State were communicated in 1842, found it no easy task to answer satisfactorily the questions put.* Occcurrences had taken place which cast a shade over their prospects. Some of the emigrant farmers in Natal, and beyond the northern boundary, had thrown off their allegiance, and it was necessary to vindicate the honour and authority of the Crown by force of arms. It would have done no good to agitate and discuss the proposal for a change of government in the Colony at that moment; and for a time the matter slumbered.

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* Among the citizens of Cape Town whose names were associated with the movement for a representative assembly in 1842 were: J. B. Ebden, H. Cloete, H. Ross, F. S. Watermeyer, J. Fairbairn, C. J. Brand, J. H. Holmeyer, E. Norton, J. J. L. Sumts, S. Merrington, P. J. Denyssen, T. Ausdell, H. Watson, F. Still, G. Twycross, Capt. Van Reenen, A. Chiappini, jun., H. C. Jarvis, J. C. Gie, W. E. Rutherford, G. W. Price, B. Norden, J. Letterstedt, H. Sherman, W. G Anderson.

In 1846, the Whig cabinet of Lord John Russell came into power in England, and the post of Secretary for the Colonies was given to Earl Grey, son of the Earl Grey who as premier in 1831 had carried the Reform Bill, and whose noble party cry was "the cause of civil and religious liberty all over the world." On entering office, he found there was a strong desire expressed on the part of the colonists for representative institutions, and he directed Sir Henry Pottinger, who was then appointed as Governor of the Cape, to ascertain the views of those whom he considered best qualified to give advice in respect to the matter. Sir Henry Pottinger did not remain long enough in the Colony to be able to act upon these instructions; and they were, therefore, repeated to his successor, Sir Harry Smith.

Her Majesty's advisers intimated pretty plainly that they entertained the strongest prepossessions in favour of the proposed policy, and that they were not unwilling or afraid to act upon it. "On a question of such a nature," Earl Grey wrote, "some difficulties might be wisely encountered and risks incurred, in reliance on the resources which every civilized society,—especially of British birth or origin,—would always discover within themselves for obviating the dangers incident to measures resting on any broad and solid principle of Truth and Justice."

Sir Harry Smith raised no question as to the expediency of the contemplated change. He had himself observed that the current of public opinion was progressing quietly but irresistibly in the direction of free institutions. Although on his first landing he had declared, "I will be Governor," he modified the declaration by expressing his wish to rule the people through the people, and stating his willingness at all times to receive their opinions and representations. But frontier affairs pressingly called for his attention first; and while engaged with these, he placed the Secretary of State's proposals in the hands of the Attorney-General, Mr. Porter, requesting him to prepare such a general plan of popular representation as would appear to secure the

greatest number of the advantages and shun the greatest number of the inconveniences incidental to the introduction of the system of self-government in the Colony.

Among the many able public servants with which the Cape was favoured, since it became part of the British Empire, beyond all comparison the most distinguished was Mr. William Porter. He discharged the duties of the office of Her Majesty's Attorney-General from 1839 till 1865; and during that long period thoroughly interested himself in all that concerned the progress of the country, and the well-being of its inhabitants. A man of exceedingly commanding appearance,—tall, well-proportioned and erect,—of accomplished and comprehensive mind,—of brilliant and powerful eloquence,—of unimpeachable integrity,—of large heart and generous nature,—his talents, attainments, and high character exercised a most beneficial influence upon the community at large. In the administration of the Government,—at the bar,—in the council,—in educational, religious, or social movements,—the colonists always found in him a liberal sympathy with the Colony and with themselves. When, therefore, the question of the initiation of Free Institutions was placed in the Attorney-General's hands, there was an assurance that the aspirations of the people would receive every consideration consistent with the safety and welfare of the country. The memorandum which he prepared for the Governor entered fully into many of the difficulties that had to be encountered; such as whether there should be two distinct legislatures, east and west; whether there should be one or two chambers, the qualification of members, and the franchise. The proposed change he regarded as an "experiment," and one which none but a very silly man or a very sanguine man would contemplate without anxiety. But he came to the conclusion that a Colonial Parliament should be granted, and that in the natural course of things it could not be much longer postponed. The Constitution which he recommended was one legislature for the whole country the legislature to consist of two chambers,—

Council and Assembly,—the Council to be partly official and partly elected, and the Assembly to be purely elective. On the important point of the franchise of the electors, he deemed it just and expedient to place the suffrage within the reach of the more intelligent and industrious of the men of colour, as a privilege they would prize and a privilege they deserved; and because "by showing to all classes,—those above and those below them,—that no man's station was in this free country determined by the accident of his colour, all ranks of men might be stimulated to improve and maintain their relative positions."

Sir Harry Smith, on his return to Cape Town in March, 1848, on his triumphant progress through Kafirland, the Orange River Territory, and Natal, readily imbibed the views and opinions set forth in the Attorney-General's memorandum. He at once penned a despatch to the Secretary of State, in which he said: "All political systems as they progress,—and as the elements of improvement are at work, with increased vigour and increasing energy,—require revision. The Legislative Council is regarded in this Colony as a failure; and I therefore propose a plan which I think a bolder and at the same time a wiser one; and as all Governments are instituted for the benefit of the people,—I do not see, taking as one example the parent country, whose first House of Commons was as crudely composed as this will be,—that the measure can be regarded as an experiment." Meanwhile he asked for the opinions of the other members of his Executive Council,—Mr. Montague, Mr. Rivers, and Mr. Field; of the Chief Justice, Sir John Wylde, and of the Puisne Judges, Mr. Menzies and Mr. Musgrave;—all of whom furnished able memoranda of their views; and all concurred that the time was come when Representative Government ought to be extended to the Colony. His Excellency thereupon asked Mr. Porter to frame a draft Constitution, which, if approved of by the Secretary of State, might be embodied in an Act of Parliament, Order in Council, or simple Letters Patent, as might be considered most suitable and

proper, to give legal effect to the proposed changes. This was forwarded to Earl Grey, with a strong recommendation from the Governor in its favour; which soon elicited the gracious reply, that Her Majesty's advisers had come to the conclusion that a representative Constitution must be granted to the Cape, but that the precise mode in which it was to be framed would require consideration.

The intimation of this intention was received with the liveliest satisfaction. A new era of political and social progress seemed to dawn upon the Colony. But this bright prospect was unexpectedly dispelled, by an agitation which arose in consequence of a threatened importation of convicts from the mother country, and the conversion of the Cape into a penal settlement.

Earl Grey in 1848 sent out a circular despatch to the Governors of the Colonies, and amongst them to Sir Harry Smith, wishing to know whether the inhabitants would be disposed to receive "ticket-of-leave men." Representations had reached him of the want of an adequate supply of labour in the Colony, and he thought that a number of good-conduct criminals, under sentence of transportation, might be able to find employment, and maintain themselves by their labour. The despatch was made public in November, and at once memorials and petitions from all parts of the country, rejecting the proposal, were sent in to the Governor and forwarded to the Secretary of State. The sentiments of the Colonists had been expressed with similar unanimity and decision in 1842, when Lord John Russell offered to introduce a number of "juvenile offenders." And in 1846, when there was a correspondence with Mr. Gladstone respecting the construction of a breakwater in Table Bay, and the employment of convict labour on the works,—with the restriction that as soon as it was completed they should be removed,—the Colonial Government distinctly stated, "No advantage that could be derived from a breakwater would compensate for the evil likely to arise from a mixture of the convicts with the population." The Colony from

its first settlement was free from the taint of convictism. It had never received, from Europe or elsewhere, any of its inhabitants from prisons or penal establishments. And under no modification, and on no condition, were its people disposed to submit of their character being so tarnished.

There was scarcely a possession of the British Empire less suitable for becoming a receptacle of convicts. The nature of the country, as well as the simple habits of the colonists, rendered it most unfit for their introduction. Security of person and property was universally enjoyed. Crimes and offences were committed, but they were rarely of an atrocious nature. In the vicinity of the towns and villages no man thought of locking his door. In the inland districts one might ride a hundred miles without seeing a policeman; and the circuit of the whole colony might be performed year after year without meeting the slightest annoyance or missing the smallest article. The warm-hearted hospitality of the farmers was quite proverbial. At the close of a hard day's ride, a traveller might dismount at the homestead of a man whose name was unknown to him, and of whose existence he was up to that moment ignorant. Nevertheless, he was usually received with an invitation to "off saddle" and come in and rest himself; food was prepared for him, and a spare room or bed set apart for him; and the following morning he was not allowed to start before partaking of a cup of coffee and at least a crust of bread. For all this pecuniary remuneration was neither sought for nor expected, and, if offered, refused. Such was the uniform kindness prevailing among these unsophisticated people, which the designs and machinations of a criminal class would soon abuse. And the circumstances of the coloured population and of the native tribes were so peculiar, as to render them even still more liable to evil and dangerous consequences from the association of men of desperate character. On the frontier and in the Interior, the mass of the natives was only emerging from savage life, and among them any absconding felons might easily introduce and

add the older vices of civilized communities to the already lawless characteristics of the barbarian race.

Without waiting for any reply to his circular despatch,—and before it was possible for the decision so promptly taken by the colonists to reach England,—Earl Grey most unwisely resolved to take a further step. Owing to the state of Ireland from the pressure of famine and discontent, a large number of persons were convicted of agrarian and other offences, and sentenced to transportation, The home gaols were full; the penal settlement at Bermuda was over-crowded; and remonstrances came from Van Dieman's land against any large number being sent there. It occurred to the Secretary of State that the Cape might relieve the home authorities of their difficulty, by receiving a moderate number of those whose conduct under a preliminary system of punishment had been such as to entitle them to the indulgence of tickets-of-leave. Notwithstanding the promise made in his official communication of August, that the measure was not to be forced upon the colonists against their feelings,—in the month of September, 1848, he gave directions for the removal from Bermuda to the Cape of 300 convicts, some of whom were considered the *elite* of the Irish political offenders; and at the same time, in accordance with the requirements of Imperial law relating to transportation, an Order-in-Council was issued, declaring the Colony a penal station, like Van Dieman's Land, Norfolk Island, and New South Wales.*

The intelligence of this proceeding only reached the Cape in April, 1849. It excited the greatest alarm and indignation. "The Colony, quiet and unruffled as its own Table Bay in a summer's calm, immediately on the spreading of the news that it was thought of as a penal settlement, became like that same Bay when a strong and sudden south-easter has swept down upon it." Public

* This was followed soon afterwards by another despatch, dated March, 1849, informing Sir H. Smith that military convicts from the stations in India, China Ceylon, and Mauritius, were also to be transported to the Cape.

meetings and assemblies protested against the injury and degradation with which the country was threatened. At Cape Town an Anti-Convict League was formed, and corresponding bodies organized in various inland districts, to avert the impending calamity by every legitimate means. The Albany Settlers, at Graham's Town, recorded their determination never on any terms, nor any conditions to consent to the introduction of the convicts. The merchants of Port Elizabeth declared their most invincible repugnance to the reception of the "out-casts and off-scouring of the gaols of England" under whatever name they might arrive. The old colonists of Graaf Reinet said they desired to remain as quietly disposed loyal subjects of the Crown, but they viewed the measure with such alarm that, rather than endure it, they were prepared to "trek" to the wilds of the Interior, where, whatever privations they might be exposed to, they could still hope in simple and honest poverty to rear their offspring in the paths of virtue. From the synods, the ministers, and the congregations, of every religious persuasion there poured in petitions to the Governor, praying his Excellency to "prevent the infliction of an evil which would blast their prospects for time and eternity." The Lord Bishop of Cape Town summoned his clergy, and memorialised with the rest. "On *every* ground," said his lordship, "there cannot be a greater mistake than sending convicts to this Colony." The whole country as one man seemed to be of the same opinion

Sir Harry Smith was in a difficult position. Upon the base of Earl Grey's first despatch he had told the colonists that it was a matter of free agency, for them to say whether they would receive the convicts or not, and that he had it in his power to consent to the arrangement, or state the objections which might be entertained by the inhabitants. Now he was called upon to fulfil that pledge, and thus save the Colony from the consequences of the obnoxious action of the Secretary of State. Deputations from the colonists beseeched him to prevent the landing of any "exiles" (as the convicts were termed), and to suspend the publi-

cation of the Order in Council on the subject until the determination of Her Majesty's Government on the appeal made by the colonists could be known. One of these deputations visited him on the 18th June. Mr. Ebden, chairman of the Anti-Convict Association, was the spokesman. "To your Excellency, as the representative of our Sovereign," he said, "we appeal in this hour of peril and danger to protect us from the moral pollution we are threatened with; disposed as we still are to cling to the hope that guided by the dictates of your own heart and judgment—holding in the one hand the arbitrary mandate of the Secretary of State, and in the other the petitions and remonstrances of the people—as the guardian of our rights, regardless of the responsibility incurred in the exercise of your discretion, you will not hesitate to save and defend us from the greatest degradation and affliction that could befal us." His Excellency, like an old soldier, brought up in the school of implicit obedience, declared his resolve to obey orders. "This day," he said, "is the anniversary of the Battle of Waterloo. For four and forty years I have served Her Majesty—I say it with pride; and I would rather that the Almighty struck me dead than disobey the orders of Her Majesty's Government, and commit an act of open rebellion."

It was thought that the Legislative Council could interpose and throw the shield of its legislative authority over the colonists. That body was summoned to meet for the transaction of business in June. The Municipality of Cape Town immediately petitioned that some enactment might be passed giving the local government power to prevent the debarkation of the convicts. The Attorney-General told them it was impossible. No one deplored more than he did the action of Earl Grey; and in his place in Council he bitterly complained, as an official and as a man, of the Secretary of State's proceeding—in first professing to seek the opinion of the colonists, and then in ignorance of that opinion, and without waiting for it, resorting to an iron measure which crushed all opinion to the ground. But he did not allow the feelings of his

heart to run away with the dictates of his head. As a lawyer he had looked into the Acts of Parliament relating to transportation, and he considered it impossible for the Council to arm the local government with any power which a court of law would recognise. An order of Council under an Act of Parliament, such as had been issued—was supreme and paramount, and any ordinance passed by the Legislative Council in conflict with it would be merely waste paper. All that the Council could do, however, it did; and that was to record a resolution: "That the introduction of convicts was injurious to the moral welfare and interests of the colony—opposed to the wishes,—and calculated to estrange from Her Majesty's Government the feelings of the people."

While this agitation was going on, the long-expected and omnipotent Order in Council arrived, and was immediately promulgated in the *Gazette*. The colonists woke up one morning to find the Cape of Good Hope sharing the character of the penal settlements of Australia. This served to open their eyes to the reality and extent of their danger. The transport ship with its freight of 300 convicts might next be daily expected; and these once landed and dispersed the character of their free colony was gone, and no subsequent remedy could wash out the stain of convictism from its population,

What was to be done? The Cape Town Anti-Convict Association at once issued an address advising the colonists (1) to appeal by petitions to the Queen, to both Houses of Parliament, and to the people of England for the withdrawal of the Order in Council; and (2) to shew their repugnance to the landing of the expected ship load of convicts by signing a "pledge," and uniting in a sacred bond of brotherhood, refusing to employ or associate with any convicted felons, and dis-countenancing and dropping connection with any person assisting or aiding the Government in landing, supporting, or employing such felons.

On the 4th of July an impressive display of public feeling took place. A meeting was held in the open-air on the Parade.

Notwithstanding a most unfavourable state of the weather—the rain pouring down in torrents during a great part of the time—men of all ranks and classes assembled and stood for hours amid the pitiless pelting of the storm—listening and responding with eager shouts while successive speakers moved and seconded and enforced a series of resolutions which were unanimously carried and ordered to be embodied in a petition to the Queen and Parliament of Great Britain.

The "Pledge" was adopted by the meeting and signed by thousands. Its operations was soon made known and felt. As the Governor had declared it a necessity that the convicts on their arrival should be landed and kept, until instructions came from England as to their disposal, the community resolved that they should try to make it a physical impossibility that they should so land or remain. The people agreed to hold in abhorrence any person aiding the Government in landing them, in providing for them, in employing them, or having any communication whatever with them. The banks and loan associations announced that with such persons they would have no money transactions. The insurance offices denied them their policies. Auctioneers declined to realise any property for them. Buyers and sellers would have nothing to do with them; and butchers, bakers, and the whole army of mechanics and labourers resolved to refuse their labour to them. Besides this mode of "passive resistance," many influential colonists who had been associated with the government in various honorary offices—as commissioners of road boards, justices of the peace, field-cornets and others—threw up their appointments, assigning the conversion of the colony into a penal settlement as their reason. The unofficial members of the Legislative Council resigned their seats, and the Government was unable to get the necessary votes of supply for the year passed. Three gentlemen who were nominated to fill the vacancies, at the conclusion of their first day's sitting, when leaving the Council-chamber, were mobbed, pelted with mud, their effigies burned,

and their properties damaged. The rioters were soon dispersed by a few police; but the new legislators, after their experience of popular disfavour, successively resigned. To encourage those who were willing to rally around the Government, an official notice had been issued that persons suffering from being "under the pledge" would receive temporary pecuniary advances from the Treasury upon approved security. £10,000 of Government promissory notes were prepared and furnished to the Treasurer-General for this purpose; but in consequence of the resignation of the Members of the Council it was considered unnecessary to act upon the notice, and none were issued.

During this period of the excitement Sir Harry Smith took counsel with the Judges and his Executive as to the best means of restoring tranquility. He was advised that moderation was the most prudent course to adopt, in the face of the very decided and unequivocal feeling manifested by the public. His Excellency therefore deemed it expedient to issue a proclamation, announcing that he would withhold tickets-of-leave from the convicts expected; that he would not permit them to land; and that he would cause arrangements to be made for keeping them on board ship or ships in Simon's Bay until Her Majesty's pleasure was received in reply to the representations which had been made respecting them.

This concession on the part of the Governor gave great satisfaction. It was regarded as an assurance that in the common desire to preserve the country from the stigma of convictism, his Excellency's heart was with the colonists, as he told them. But there was still a general mistrust and suspicion of Earl Grey's ultimate determination. What, if irritated by the opposition to his measures he should send out free pardons to the convicts in consideration of their long detention on board ship? They would then land as free men, and nobody could restrain them. The newspapers from week to week gave some accounts of the doings of the desperadoes of Botany Bay and Van Diemen's Land. The rural population had pictured before them the probability of gangs

of "bush-rangers" plundering from farm to farm. The gravest apprehensions were thus created respecting the future safety of life and property; and it was felt that the community must continue firm and united in their demand that the convict ship on her arrival should as soon as possible be sent away from the waters of South Africa.

The agitation, which had lulled for a little time, burst forth in all its original vigour when in the month of September it was announced that the ship *Neptune*, freighted with 282 convicts, had arrived in Simon's Bay. A loud gong sent out its dismal sounds of alarm from the Town House. The bells of several of the churches tolled. The populace assembled to receive and hear the reports of the "Vigilance Committee," who had been dispatched to Simon's Town to watch the "pest-ship" (as the *Neptune* was termed), and who reported that the principal shopkeepers and residents at that place were disposed to act as good men and true in the cause in which they were engaged. The Municipality of Cape Town at once wrote to the Governor that "the people have determined the convicts must not, cannot, and shall not be landed, or kept in any of the ports of the Colony." His Excellency promptly replied, expressing his deep regret at the tone of their communication, which he thought circumstances might in some degree excuse but certainly could not justify,—intimating that it was not his intention to relieve the officer in charge of the convicts pending the receipt of advices from the Secretary of State, which might be expected in a month or six weeks, and in the meantime the *Neptune* would ride at anchor in Simon's Bay as in the case of any other ship.

The contest between the Governor and the people now reached a crisis. The Anti-Convict Association resolved: "That it is the duty of all good and loyal subjects of Her Majesty at once from this day to suspend all business transactions with the Government, in any shape or on any terms, until it is officially declared that the *Neptune* with the convicts on board will go away as soon as

all necessary supplies for her voyage can be put on board; and that all intercourse and connection between private individuals and his Excellency and heads of the victualling departments shall be dropt from this day—the merchants, auctioneers, bakers, butchers, shopkeepers and all other good and loyal people dealing only with such private individuals as they know and clearly understand to be unconnected with these departments by or through which supplies sufficient to afford a pretext for the detention of the convicts may possibly be obtained. And that the measures already taken for this purpose being too slow for the urgency of the case, it is recommended that from this moment all shops and stores shall be closed as for a solemn fast, except for the accommodation of ordinary private and well-known customers, that his Excellency may no longer be in doubt as to the impossibility of detaining the *Neptune* with her convicts within the limits of the Colony."

There was a diversity of opinion as to the adoption of this extreme measure. Some thought that the object all had in view would be attained without pushing the pledge beyond its primitive meaning. They considered that the assurances given by the Governor were such as ought to satisfy the people that he would never be instrumental in the landing of convicts in the Colony, and that without his instrumentality they could not be landed by his Government. These were disposed to think indeed that all further local agitation should be suspended, except for the repeal of the Order in Council which had degraded the Colony to the rank of a penal settlement. The principal merchants took this "moderate" view, and withdrew from further active part with the Association, with whose object, however, they still declared their sympathy.

But the great majority of the inhabitants steadfastly adhered to the course of action which had been resolved upon. The "pledge" was put into operation, and such was the popular enthusiasm in its favour that the Government found all its

ordinary channels of supply stopped. No butcher would sell meat, and no baker would furnish bread, and the Ordinance Department had to set up a butchery and a bakery to provide for the troops. The Commissariat stocks were limited, and with near 2000 men to feed would soon have been exhausted, but for the exertions of a few individuals, who, openly defying public opinion furnished oxen and sheep, and stores of flour and other necessaries. Those who asserted such freedom of action were at once marked and proscribed men—"under the pledge."

The situation was unprecedented. So universal was the feeling in favour of the combination, that even any suspicion of being concerned in dealing with the Government, or rendering it supplies, placed a man under the ban of social excommunication. All intercourse with him was dropped, unless he justified his conduct before the public. A more curious state of society was never witnessed. The Anti-Convict Association, supported by the passive firmness of the community, constituted a complete *imperium in imperio*. Its meetings were held in public in the hall of the Cape Town Municipality. The proceedings there were thus described:—"Among the persons present may be perhaps a dozen merchants, as many landed proprietors, fifty or sixty shop-keepers and tradesmen, with a sprinkling of clergymen, lawyers, physicians, teachers, editors, and other members of the various classes and professions which make up the community. Before the assemblage so constituted their appear every week, either personally or by deputy, individuals of the most diverse callings, all anxious to justify themselves of suspicions of the gravest kind—suspicions which the public, not the Association, has fixed upon them. Now it is a tradesman whose trade has suddenly vanished, at another time a general dealer, with whom nobody will deal; or a once flourishing inn-keeper whose customers have completely deserted him. Sometimes a dozen letters and depositions are read to clear the reputation of a Cape Town shop-keeper, or a farmer whose homestead is a hundred miles away.

Or perhaps the representative of a country district attends to explain some dubious occurrences which have taken place within its limits, and brought a cloud on its fair fame. In every case the affirmations and evidence of the suspected party and his friends are heard by the company with a patient and serious attention which would do honour to a court of justice. But if the proofs are found satisfactory, a vote to that effect is passed, and the acquitted person is welcomed back with hearty applause into the ranks of his fellow citizens."

The struggle was prolonged until the close of the year; but the determination of the people was not relaxed in any sensible degree. The continued excitement however, was direful in its effects—interrupting the course of trade and industry—engendering personal animosities—begetting a spirit of disrespect for the local government, and of disaffection for the parent state. The "moderate party" for these reasons joined in beseeching the Governor to yield to the wishes of the people—to incur the responsibility, serious though it might be, and to send the *Neptune* to some place where she might await orders for her further destination. But his Excellency refused any concession. He admitted the evils which afflicted colonial society; but he declined to move from what he deemed the line of law and duty. Some who repudiated the Association's proceedings urged him to put down the opposition with a strong hand, but his Excellency's advisers wisely considered that to adopt such a course in connection with an agitation so noble in its origin and nature—would lead to most deplorable consequences, and even still more serious evils.

The Governor himself had meanwhile done all that was possible in the way of appeal to the Secretary of State for reversal of his obnoxious policy. In May, in July, in August, and again in September, he represented the feeling and urged the cause of the colonists. Once more, in October, he wrote to Earl Grey:—"I again emphatically represent and urge upon your lordship the expediency which good government dictates of not forcing upon

the people of any nation or colony a measure universally obnoxious to them; and for this reason I pray your lordship not indeed that the *Neptune* may be ordered away, (for that I have no doubt will be done before this reaches,) but that the Order in Council proclaiming this colony a penal settlement be revoked, as I have previously so urgently requested, both as regards military and civil offenders, and that the Cape be restored to its freedom from the degradation of being a penal settlement. Then and not till then will confidence, commerce and prosperity, impelled to exertion by loyalty, be as conspicuous as are disorganization and disorder at this moment."

Of the successive Secretaries of State to whom the administration of the Colonial Department was entrusted, during the past half-century, none held a higher character for ability than Earl Grey. Unfortunately the turn of his mind was strongly influenced by the old opinions and associations respecting the course to be pursued towards the dependencies of the Empire. Theoretically he acknowledged that the colonists were entitled to the freedom of that self government which they were perpetually asking for; but in reality he was continually asserting the autocratic control of Downing Street in every action and function relating to their affairs. The consequence was that he proved to be the "blister" of the Colonies—making them all rise—and sometimes even threaten withdrawal from the mother-country, which was put in a state of hot water by the operation.

The remonstrances which first reached him from the Cape respecting his proposal to make it a penal settlement, excited his surprise and anger. Considering the sacrifices made by Great Britain for the defence of the Colony a few year's before, it seemed to him unreasonable that the inhabitants should raise any objection to the Imperial policy. That policy aimed at giving the convicts the best chance of reforming their lives by introducing them into a country suffering from a deficiency of labourers; and and as a reward for co-operation it was promised that liberal pro-

vision would be made by the Home Government for sending free emigrants to those places which received them. He thought that the opposition would be withdrawn as soon as the character of the measure became perfectly understood.

When, however, the resolute action of the Colony found strong and hearty sympathy with a party in England, and Sir C. Adderley moved in the House of Commons, in March 1849, that "out of consideration for the honourable pride and moral welfare of the people of South Africa," Her Majesty would be pleased to order that the Cape should not be made a receptacle for criminals, the head of the Government, Lord Russell, gave a pledge on the part of himself as well as of the Secretary of State, that if the feeling against transportation to the Colony was persisted in no further convicts would be sent.

Months passed, during which memorials and appeals against the measure poured in upon the Colonial Office, and found their way into the columns of the English press. Earl Grey treated them with quiet unconcern. He was sanguine that the determination publicly expressed by the Premier in the House of Commons would relieve the colonists from the apprehensions which had been excited; and he fully entertained the idea that the small shipload of convicts he had sent from Bermuda would be landed and received; or that whatever difficulty might arise concerning their disposal would have been met and provided for by the local Government. It did not occur to him that there was any necessity for sending official instructions to the Cape,—which might allay the ferment,—until at the close of the month of November, 1849. Then he awoke to the very serious condition of affairs, and the hopelessness of his expectation that the inhabitants would acquiesce in his scheme. He saw that there was no other way of restoring proper relations and feelings between the Government and the Colony than by retracing the false step he had first taken. He therefore directed Sir Harry Smith that the *Neptune* with her freight was to be sent on to Van Diemen's Land, and that Her

Majesty should be advised immediately to revoke the Order in Council making the Cape a penal settlement.

In the despatch in which this retraction was signified, Earl Grey wrote:—"With the information now before me I greatly lament that this step should have been taken. Had I been aware how strong was the feeling which existed at the Cape on this subject I should not have advised the measure which was adopted, but I confess I fell into the error of supposing that whatever might be the objection felt to receiving convicts as an ordinary practice (an objection which I readily admit to be founded on feelings that are entitled to respect) there would still be amongst the inhabitants of the Cape so much regard for the general interest of the British nation, to which they had just been indebted for such truly generous assistance, and also so much of common humanity towards the unfortunate men as to whom the difficulty had arisen, that it might safely be calculated that they at least would be received without opposition. This is an error which I acknowledge, and which I greatly lament."

The gratifying news of the abandonment of the place of landing the convicts, and using the colony as a penal station, reached the Cape on the 12th of February, 1850, and was forthwith published in the *Gazette* for the information of the inhabitants. The Anti-Convict Association immediately met, for the last time; and, amid the cheers of a crowded assembly, resolutions were passed declaring that the object for which the Association was formed had been gained, and that the usual connection and intercourse with the Government Departments should be at once resumed,—never it was fervently hoped to be again interrupted; congratulating the whole colony on the favourable conclusion of the long struggle in which it had been engaged; and reverentially acknowledging their deep gratitude to Divine Providence for the "stainless triumph" which had crowned their anxious efforts to protect the character of their beloved country. The victory thus achieved by the united English spirit and Dutch resolution of the

Cape community was not limited in its influences to South Africa. It served to strengthen the hands of the Australian colonists in the contest which followed between them and the mother-country, on the question of the disposal of her felons, and which was not abandoned until in 1853, Her Majesty's Secretary of State, the Duke of Newcastle, announced the determination of the Government to discontinue altogether the transportation of convicts, and to adopt the present system of home penal servitude.

Among the men who stood foremost at this time of the colony's emergency, was Mr. John Fairbairn. At the commencement of his career, when he fought the battle for the Freedom of the Press, he declared his purpose to be "to make, or assist in making, this country a fit country for free men." As a journalist he devoted himself to that work from 1824 till 1860. Throughout this long period, the force of his able and enlightened writings in the *Commercial Advertiser* exerted a great educating and elevating influence upon the Cape and its people. Whatever improvement or progress was made, whether social, material or political, he was either its originator and promoter or its enthusiastic advocate,—ever awakening, stimulating, or guiding the energies of the community in forming and establishing the various free institutions of the country.

When Earl Grey by his rapid metamorphose of consultation into command, decreed the colony should be a penal settlement, Mr. Fairbairn at once saw his life's labour threatened with destruction. A stream of criminal pollution would soon cover the land, as fatal in its consequences as the sea of death which covered in its funereal mass the Ancient Cities. Against that decree he declared his uncompromising hostility in such burning words as these: "It is unconstitutional and contrary to the analogue of the wisely-framed customs of the parent state—therefore we protest against it. It is unjust, and therefore we resist it. It is dangerous, and we construct barriers against it. It is degrading, and therefore we will sooner die than submit to it." He

was the inspiration of the Anti-Convict Association from the very outset to its close; and the influence of that body was greatly owing to the confidence felt not only in his wisdom in guiding it in the best channel for attaining its end, but also in his earnest zeal and unflinching firmness as a leader. Some of their proceedings he admitted were carried to an unnecessary extent; but he urged that allowance should be made for them. "As a colony," he said, "we are standing on the verge of utter destruction, and in self-defence we are entitled to use every means in our power, even if we give offence to the legal mind or the royal mind. But I believe that the legal mind and the royal mind of the whole world will approve and admire the course adopted; they will say, 'you have done what is right, and if in such an emergency you made some mistakes—to err is human, we forgive it.'" When the crisis of the struggle came, his fearless intrepidity was most conspicuous. There were threats of political prosecutions and of personal violence, but he never winced. A criminal prosecution was not tried; most likely it would have failed, as no jury would have been found to condemn the popular proceedings at the time. But a civil action was instituted,—one of the parties placed 'under the pledge,' claiming £5,000 as damages for injury caused to his business by the combination of the Association.* The Attorney-General with all his legal acumen and powerful eloquence pressed the case; but the defendants' advocate, Mr. Brand (afterwards Sir C. J. Brand, the first Speaker of the House of Assembly) raised the grave and important question of the competency of the Supreme Court to try the action. The Governor had stated in public that the judges had given their opinion to him in reference to the matters agitating the community. This was urged as a sufficient ground for recusing them; and Mr. Brand produced

* *Vide* Law Reports of the case "J. Letterstedt *v.* Rev. G. Morgan, John Fairbairn, Sutherland, Bergh, and Van Reenen," Members of the Anti-Convict Association.

several musty books and authorities, shewing that the old Dutch and colonial law made provision for,—

"That worst of ills, a vengeance-breathing judge,
Who to his luckless suitor owes a grudge."

The exception taken proved effectual. Although two members of the bench desired to go on with the hearing of the suit, the third judge (Mr. Musgrave) declined to do so. The administration of justice, he felt, ought to be, like the chastity of women, not only pure, but free from suspicion. And he acknowledged that, following a practice common in Crown colonies, the Governor had consulted with the Judges of the Court in the difficulty which had arisen as to the sending away of the *Neptune*. In the face of this avowal, the Attorney-General thought it was best for the dignity of the Court and the good of the public to stop further proceedings, and the action was dropped altogether.

Many years afterwards, when the bitterness of the discussion and party-strife engendered by this great contest was past and forgotten, the Attorney-General, Mr. Porter, made an eloquent acknowledgment of Mr. Fairbairn's many great services to the colony. "In him," he said, "we recognise the man who has done more than any other man living to raise the tone of thought and feeling all over South Africa. He made the welfare of his fellow men the study of his life; and their blessings and thanks follow him to his grave.

"But strew his ashes to the wind
Whose voice or pen has served mankind.
And is he dead whose glorious mind
Lifts thine on high?
To live in hearts we leave behind
Is not to die."

IX.

The Struggle for the Constitution of 1853.

1850 to 1854.

Renewed desire for Self-Government—Constitution framed by Committee of the Privy Council—Election of Members to the old Legislative Council—Collision between the Elected Members and the Officials—Appeal to England—Debates in the Imperial Parliament—Distracted State of the Colony in 1851-2.—Proposals for Federation and Separation—Conservative opposition to the Constitution Ordinances—Discussions on the Parliamentary Franchise—Arrival of Governor Sir G. Cathcart and Lieutenant-Governor Darling—Illness and Death of Mr. Montagu—Changes of Ministry in England—Revision of the Ordinances—The Constitution ratified by Orders in Council—Dissolution of the old Legislature—Meeting of the First Parliament.

The long-cherished desire of the Cape colonists for the privilege of self-government was stimulated by the success of the Anti-Convict agitation. Circumstances at the time appeared to be favourable for the realization of their wishes. The leading men of all parties in England were, more or less, convinced that the British communities, which had been planted in various parts of the world, could neither attain their full development nor be held in permanent attachment to the mother-country, without the concession of a larger measure of representative and constitutional Government than had hitherto been accorded them. Acting upon this conviction and principle, Lord John Russell, at the opening of the session of the Imperial Parliament in 1850,

publicly announced the intended liberal and generous policy of the Government, in respect to several of the dependencies of the crown, and intimated that among those colonies to whom free institutions would be granted, was the Cape of Good Hope.

The form of Constitution to be adopted, was framed by a Committee of Her Majesty's Privy Council, after a careful consideration of all the papers and minutes forwarded from the colony by the Governor in 1848. The plan recommended was that there should be one General Legislature over the whole colony, and that it should consist of three estates—a Governor, a Legislative Council, and a Representative Assembly. Instead of the Council being a nominative one, it was proposed that the elective principle should enter into its composition, but that it should be elected by a different body of electors than those by whom the Assembly were chosen, and for a longer time. There were to be no official members in either house, but the officers of Government might have the right of speaking, although not of voting, in both branches. The fixed establishments of the Civil Service were to be provided for by a permanent charge upon the Revenue, in the same manner as the civil list of the mother-country is charged upon the Consolidated Fund. The Legislature, however, was to have full power to alter this appropriation by laws in the usual form.

The difficulties anticipated long before, by Lord Stanley, in the practical working of Representative Institutions, from the distance which separated much of the wide territory included within the colony from the seat of Government, were fully acknowledged by the members of the Privy Council Committee, who stated that they were only withheld from advising that the colony should be divided, by the decided adverse opinion of the local executive and judicial officers, whose personal knowledge of the country gave them better means of judging that the materials for two separate Legislatures did not exist. The Committee, however, considered that if the population of the Eastern districts

should be largely increased, the division might at any time afterwards be effected—if, in the opinion of the colonial Legislature, to be created, it was desirable. And in order to mitigate as much as possible the inconvenience to which those representatives, residing in the country, would meanwhile be subjected, it was recommended that members should be paid their travelling and other expenses, and that as large a share as possible of public business should be entrusted to the municipal and other local bodies, and that no opportunity should be lost of improving the organization of these bodies; leaving to the General Legislature only that class of business which, in the strictest sense of the word, was of common interest to the whole colony.

The main provisions of the new Constitution thus drafted were embodied in Letters Patent, issued by Her Majesty in May, 1850, graciously "Granting a Parliament to the Cape Colony, with authority to make laws for the peace, welfare, and good Government of the settlement." These Letters Patent, at the same time, empowered the Governor with the assistance of the old Legislative Council, to frame an Ordinance constituting the Parliament, and settling the qualifications of electors and of members; the districts to be represented, and other matters upon which it was impossible to come to a satisfactory conclusion, without more minute local information than was accessible in England. The Ordinance, however, was not to take effect until it was approved and, if necessary, amended by Her Majesty.

The Governor, Sir Harry Smith, received instructions that the old Legislative Council would have to settle the details of the new Legislative scheme. The Council had been in abeyance, if not virtually dissolved, ever since the resignation of the unofficial members, during the excitement of the Anti-Convict agitation, and had now to be re-formed.* As an Institution it

* Only one of the nominated members, Mr. Cock, of the Kowie, Albany, retained his seat throughout, and after this agitation, he held to his post, in the interests of the part of the country where he resided.

had fallen into disrepute. There was a general repugnance to accepting office on the purely nominative plan, and under the circumstances great difficulty was anticipated in getting suitable persons to fill the vacant seats. The Governor, after consulting his Executive, resolved to adopt a mode of popular election. He thought it would secure for the labours of the Council a greater degree of public acceptance and, at the same time, would be a preparation for the exercise of the rights about to be bestowed upon the people, were he to throw himself upon the colony and invite the principal bodies in the towns, and the divisional road boards in the country, to send in the names of five persons whom they would desire to have appointed as Legislative Councillors. From the names submitted he proposed to nominate those best entitled to the confidence of the several classes, and districts composing the entire colony.

The result of this proceeding was that the five gentlemen recommended by the greatest number of municipalities and road boards, proved to be prominent Liberals and Colonial Reformers, viz.:—Advocate C. J. Brand, Sir A. Stockenstrom, Mr. F. W. Reitz, Mr. J. Fairbairn, and Mr. J. H. Wicht. The Governor selected the first four of them, and instead of the fifth he nominated Mr. Godlonton, an influential resident of Graham's Town, and for many years the able editor of, and the advocate of frontier interests in, *The Graham's Town Journal*, in order to give what he considered a fair share of representation to the Eastern districts. This departure from the order of the election disappointed a portion of the public, although it met with the approval of the majority of His Excellency's advisers, on the ground that it acknowledged the claims of a distant, but most important portion of the colony.

The Council so constituted met in September at Cape Town, and the Governor in his opening speech, stated that one of the principal objects for which the members were called together was to pass the Ordinance, which was to form the basis

of the new Constitution. For a short time everything went harmoniously. The draft Ordinance was considered in committee, and various points were debated and passed unanimously —including the important point respecting the elective franchise, which was fixed at twelve months' occupancy of property of the value of £25. The only difference of opinion arose on the question of the qualification of the members of the Upper House; the official and nominated members voting together for a higher qualification than the elected members. The Council being thus divided into parties of seven and four, the public representatives felt themselves an important minority. Their relations with the majority were not improved by a discussion which arose respecting the nomination, made by the Governor, in the course of which the Secretary, Mr. Montague, expressed his opinion that these four popular members would not have been in the Council, but for the electioneering influences of a party in Cape Town. The crisis of the collision came, however, when after fourteen days' sitting, the subject of proceeding with some general business was brought forward. The passing of the estimates was considered necessary by the officials, inasmuch as for the space of a year or more, the Governor had been carrying on the expenditure without any Legislative authority. The elected members objected. They maintained that they had come to the Council for the purpose of framing the Ordinances for the establishment of representative institutions, and for none other. They regarded themselves incompetent to vote away one farthing of the money of the people, whose object in electing them was to expedite the construction of the Parliament, before whom all these matters could be brought. "The Constitution, and nothing but the Constitution" was their watchword! On proceeding to a division, they were out-voted by a majority of eight against four. They thereupon immediately resigned their seats and withdrew. The Council was thus, from want of a legal quorum, reduced to a state of inaction. The proceedings ended, and the Legislative machinery once more came to a stand-still.

The Governor was in an embarrassed position. Feeling the impossibility of again establishing the Council, he abandoned the attempt; but to carry out the expressed wish of the Secretary of State, that the Constitution should be completed without delay, he asked the remaining members, official and unofficial, to form a Commission to resume the consideration of the matter, where it had been left off by the committee of the Council, and to frame an Ordinance in such manner as, if they had the power of legislating, they would be willing to adopt. The Commission immediately set, and before a week elapsed brought up a report containing their recommendations. This report was published and the public generally were invited to communicate their opinions thereon in petitions, which the Governor undertook to forward to the Secretary of State. His Excellency thought that with such information before him, Earl Grey might consider it practicable and preferable to provide for the introduction of representative institutions, by some instrument to be issued in England.

Meanwhile the course adopted by the seceding members met with public approval. The minds of a considerable portion of the people were impressed with the idea, that as the colony was already ripe for representative institutions the old Legislative Council should at once be abolished, and be replaced by a Representative Assembly; and the action of Messrs. Stockenstrom, Brand, Fairbairn, and Reitz was regarded as a means of expediting it. The municipality of Cape Town and the inhabitants in public meeting, declared their approbation of the step taken by the seceders, and as a mark of confidence requested these gentlemen to draft such a Constitution as they deemed best for the colony. They did so in a paper which obtained the apellation of the "Sixteen Articles," and which, save in the points of the qualification of members of the Upper House, and their election by the whole colony generally, instead of by districts, did not very materially differ from the details of the plan drawn up by the Official Commission. This draft was

published and circulated throughout the country, by means of the extensive and well-organized machinery, which the friends of Reform had in operation. The local committees which the Anti-Convict agitation had called into existence, were ready to hand in every district to promote their objects. The "Sixteen Articles" of the proposed Constitution, together with addresses to the Queen, praying that the same might receive Her Majesty's sanction without further reference or delay, were thus accepted and adopted by public meetings—representing, it was said, nine-tenths of the colonial inhabitants. It was also resolved at these meetings to depute Sir A. Stockenstrom, and Mr. Fairbairn, to proceed to England to "vindicate the rights and interests of the colonists before the British Parliament and people," and to use their best exertions to obtain the immediate introduction of the new form of Government.

By the close of the year other events transpired to bring the condition of Cape affairs into prominence in England. The Gaika tribes, on the Kafir frontier, opened war upon the British troops in the Boomah Pass, and massacred the settlers at the military villages of Auckland and Woburn, in the Chumie Basin; and this was soon followed by the defection and rebellion of numbers of the Hottentots along the Border. Both the political and military embarassments of the colony were the subject of repeated inquiry, and of some important debates in the Imperial Parliament during the session of 1851. Mr. Adderley who took up the case of the colonists moved an address to the Crown, praying that a Commission might proceed to South Africa, similar to the Commission of Inquiry sent out in 1827. Lord John Russell, the Premier, opposed the motion and carried an amendment, that the inquiry should be referred to a Committee of the House of Commons. This Committee sat and took evidence, chiefly respecting the relations with the Kafir tribes on the frontier; but owing to the proceedings being protracted to the end of the session, and the "magnitude and difficulty" of the

subject, made no report. The Cape delegates were examined before the Committee, and urged the immediate establishment of those representative institutions to which the people were aspiring. Mr. Fairbairn advised that the best course, both for the satisfactory administration of affairs within the colony, and to recover the affections of those who were desirous of pushing beyond the limits of the colony, was to establish a good Government.

"Through a Representative Assembly, constantly in action," said he, "you will be able to discover the truth respecting the state of South Africa, and come by degrees to a sound system of policy; but, till that is done, you can have no idea of what is passing there. No man knows it; it is too wide a field for any man to obtain all the information which is requisite. Perhaps those who have the knowledge conceal it, and there may be many people interested in withholding facts and inventing stories; so that, altogether, at present there is no method of getting at it completely, without an open Government at the Cape, where all parties can be heard always, as in this country, and where any statement would be published, and met on the spot by persons competent to give evidence upon it. You would then have the means of obtaining information as to the course to be taken, and you would have the colonists reconciled, self-government creating self-respect, and combining the different classes together."

In the House of Lords the whole policy of Earl Grey in reference to the colony, and more particularly the delay in giving effect to the Constitution, granted by Her Majesty's Letters Patent, underwent a searching and protracted discussion. The subject was brought forward by Earl Derby, and the reputation and existence of Lord Russell's Cabinet were nearly involved in the issue. The Ministry declared, in their defence, that nothing could be more fixed than the determination of the Government to establish representative institutions at the Cape; but they

blamed the seceding members of the local Council for the delay which had occurred, and they intimated that they considered it necessary to adhere to the plan originally determined upon, of requiring that Ordinances should be passed by the existing Legislature of the colony, to provide for bringing the proposed Constitution into operation.

Under pressure of these circumstances, instructions were sent out to the Governor of the Cape, to lose no time in again completing the old Legislative Council to the number required for considering and deciding upon the draft Ordinances; and as an encouragement to those gentlemen, to whom he might apply for assistance in filling the vacancies, it was mentioned that they would incur little responsibility, from the fact that the Ordinances they would be called upon to pass could not come into force, until they were confirmed by the Queen in Council, and Her Majesty had reserved to herself such ample powers of amending them, that if—when they were received—they were found to be defective, any necessary corrections might be made in them. Shortly afterwards four new unofficial members, Messrs. Hawkins, Arckoll, Christian and Moodie, accepted nomination to the vacant seats at the Council, which was immediately re-assembled, and ere the close of the year, the draft Ordinances prepared by Her Majesty's Government, for bringing into operation the new Parliament were laid before it.

The colony at this time was in a most distracted state. War and rebellion prevailed along the frontier, and the Kafir-land Border. The defection of the Hottentots in the East created a groundless alarm in some parts of the West, that the coloured class were about to rise. The Governor, Sir Harry Smith, as the Commander-in-Chief was at King William's Town directing the movements of the troops, Mr. Montague, the Colonial Secretary, as chief of the Executive was, *de facto*, Governor in Cape Town; and his relations, with a considerable portion of the public, were by no means harmonious. The agitation for "the Constitution

and nothing but the Constitution" had widened the social breach, which the unhappy convict question had first created. There was also the inevitable collision between those who wished to perpetuate the old system, and those who wished to reform it. By some of the officials and their supporters, the popular movement was regarded as of a dangerous democratic character, aiming at the subversion of the Government. The public, on the other hand, were impressed with the idea that the officials desired to maintain as long as possible the old bureaucratic *regime*, and they were using every means to delay, if not to postpone, indefinitely the generous determination of Her Majesty, to give the colonists a share in the management of their own affairs.

Among the colonists themselves there was not altogether perfect unanimity in regard to the new system of Government. By the popular leaders of the Reform party, the draft Ordinances were gratefully accepted as a most liberal instalment of constitutional Government, which, if not mangled or vitiated by their opponents, would enable them gradually to remedy every defect. But there was a section who advocated a Federal system—that South Africa should be divided into four provinces—namely, the Western and Eastern provinces of the Cape of Good Hope, the Orange River Sovereignty and Natal, each possessing distinct governments complete in all departments for local purposes, and united under one general government for objects of common interest. A portion of the Eastern districts again pleaded forcibly and incessantly for separation, that they should have a legislature independent of that provided for the West, or that the seat of Government should be amongst them. Port Elizabeth and Uitenhage upon this ground abstained from having anything to do with the election of the representative members to the Council. And the members from Graham's Town—Messrs. Godlonton and Cock, who sat on the official commission and assisted in framing the draft Ordinance, at the close of their labours submitted a protest containing 31 reasons

against the proposed form of government because it did not provide for the separate and independent control and administration by the Eastern inhabitants of their own affairs.

Nearly all the nominee members who were called upon to fill the vacant seats in the resuscitated Legislative Council were Conservatives, and really opposed to the introduction of a representative form of government at that time. Their proceedings soon indicated their intent to procrastinate its enactment. Lord Grey's draft Ordinances arrived in October, 1851, and were sent on to Kaffraria for instructions what to do with them. They came back from the Governor, and were formally read a first time in November. An interval of two months was fixed before the second reading came on, in February, 1852; and then it was proposed that the question should be postponed till the close of the war in which the country was involved. The unofficial members were all of this opinion. The officials were divided—three of them, the Attorney-General (Mr. Porter); the Auditor-General (Major Hope); and the Collector of Customs (Mr. Field) took the view that public faith, public interest, the personal honour of Her Majesty's ministers and of Her Majesty herself were all pledged that the Constitution should be put in operation at the earliest possible period. On the other hand, the Colonial Secretary (Mr. Montagu), and the Treasurer-General (Mr. Rivers) adopted the views of the unofficial members. It was remarkable that only two years previously Mr. Montagu had advised in a memorandum upon the subject that, whatever its drawbacks, a constitutional Government should be conceded to the colony, and that the sooner it was introduced the sooner would the rural population, by the mere exercise of their privileges, be trained to a willing and intelligent discharge of the duties thereby imposed upon them. But the circumstances which in 1848 seemed favourable and appropriate for the proposed change appeared to him directly the reverse in 1851. The agitation on the convict and constitutional questions, he fancied, had evoked national

prejudices and anti-English feelings, and he was of opinion that in the existing state of the colony due caution should be observed in establishing such a check as would afford fair consideration to the British Government and effectual protection to the English colonists. Until that was secured, he deprecated the change, and he wrote to His Excellency, the Governor, requesting to be relieved of all responsibility of the consequences of proceeding, as he believed there was a likelihood of public disturbance in the critical state of affairs at that moment. Sir Harry Smith, from his camp at King William's Town, promptly replied:—"I desire the Legislative Council to proceed to the discussion of these Ordinances as a Government measure, leaving each clause an open question. I apprehend far greater embarrassments to the Government by delay than by procedure. I am ordered by Her Majesty's Government to proceed, and my own opinion concurs in the expediency of that order. I see no cause whatever for apprehension as to any public disturbance . . . . . Under any circumstances, however, I do not view a war upon the borders—and it is now nothing more—as affording cause for deferring the grant of a representative government."

This positive order and injunction at once decided the action of the Council. As a "government measure" the second reading of the Ordinance was passed—the five officials, as in duty bound, voting for it, and the four unofficial members against it. The consideration of the various clauses were then proceeded with, and these having been declared by the Governor to be "open questions" there was much discussion and division of opinion upon some of them. The unofficial members objected to the franchise of £25 as being equivalent to universal suffrage, and in this course they were supported by Mr. Montagu, who, although he had been one of those who originally proposed, the low franchise, now regarded it as dangerous and tending to increase the alarm and ill-feeling that existed between the farmers and the coloured classes. The Auditor-General, the Attorney-

General, and the Collector of Customs, each in their turn opposed this amendment, which they regarded as aiming a blow at the very heart of the Constitution. Mr. Porter especially distinguished himself in the debate by his espousal and advocacy of the civil rights of the poor man, and claimed to do so as a Conservative, in the truest sense of the word, of peace, of order, of property, of freedom, of everything which it is desirable to conserve. His speech was characterised by the noble thought and happy illustration which distinguished his most eloquent utterances. "This £25 franchise," he said, "is with me a *sine qua non*. If you are prepared to disappoint the expectation of the coloured classes—if you are prepared to destroy the hope that representative institutions would come into operation in harmony and good-feeling—if you are prepared to sow the wind and reap the whirlwind—if you are prepared to tell these people that you fear to admit them to the privilege of the Constitution, and thus create in their minds that dread of class legislation which they are so liable to entertain —if you are prepared to do all this, I, for one, will be ready to tear this draft Ordinance to pieces, and to be done at once with the whole concern. What capitalist need fear to lose by the representatives of the coloured classes, a single penny of his mortgage money, and what landowner a single acre of his land? Neither the disposition nor the power exists to produce any sort or degree of such evils. But will any fair man say, with the same confidence, that in a Parliament, from which the coloured man's representatives are shut out, and in which he cannot make himself heard, his rights are in no danger of being violated; that nothing could be done by such a Parliament prejudicial to the freedom of that labour by which the coloured man supports himself and his family. You say that you must guard the rights of property. I agree with you. It was to guard the rights, and show respect for even the timidity of property, that a property qualification was established for members of the Upper Chamber. Guard, then, in like manner, the right to personal freedom, and to freedom of labour, and

show respect even to groundless fears in regard to these things. Let the well-conducted coloured man feel that he has, as it were, a stake in the colony; that he is not treated like an alien or an outcast, a rogue or a vagabond, but as a member of the family—a child of the house; and then the temptation will be withdrawn to have recourse to lawless modes of averting threatened evils. Property is protected in the Upper Chamber. If the coloured classes have, in general, little fixed property to protect; they have another sort of property, which they should be enabled to protect. They have their labour to protect; they have to protect the right to carry their labour to their own market, and sell it at their own price; they have to protect the right of making the most of whatever powers of mind and body God has given them; they have to protect themselves from oppressive vagrant laws, calculated to compel them to do forced work; and, having all this to protect, they have sense enough to know the men who would oppress them, if not checked, and the men who would stand up for them and take their part."

Notwithstanding Mr. Porter's eloquent appeal, the qualification he advocated was rejected by a majority of eight against three; and one was substituted, giving electoral rights only to possessors of property of £50, or persons paying rental of £10, or being in receipt of a yearly salary of £50, or half that sum, if provided with board and lodging. Other amendments were also made—one of which doubled the property qualification for members of the Legislative Council; and another did away with the provision excluding persons holding offices of profit under the Crown from voting at elections.

The draft Ordinances thus amended were scarcely passed by the Council, when important changes took place in the *personnel* of the local Government. In March, 1852, Sir G. Cathcart superseded Sir Harry Smith as Governor and Commander-in-Chief; and, as he was to be occupied for some time with the management of the war, Mr. (afterwards Sir Charles) Darling

was appointed Lieutenant-Governor, charged with the special duty of the civil administration. Mr. Montagu was forced by ill-health to retire from the colony on leave, and his place as Colonial Secretary was temporarily filled by Mr. Southey.

Mr. Montagu only retired to die at home a year afterwards. The stress and strain of the business devolving upon him in carrying on the Government during the Kafir war—the anxiety he felt regarding the contemplated constitutional changes—his sensitiveness of the tide of popular feeling breaking against him while he was being coldly seconded by some, and misunderstood by others—all contributed to over-tax his strength, and hopelessly destroyed his health. When the painful news of his death reached the colony, it was felt as a public calamity. The political opposition, which caused estrangement between him and others equally ardent in the maintenance of their own views of the public good, at once vanished, and the great services he had rendered to the country were acknowledged by all. He had laboured as the chief executive officer of the colony from 1843 till 1852, and during these nine years his talents, zeal, and administrative genius were displayed not only in the business of his office, but also in the active promotion of works of practical utility. By his able financial policy he cleared off an accumulated debt, and placed the various departments of the civil service in a state of efficiency unknown before. He introduced an excellent system for the discipline and management of criminals, providing for their moral improvement, and, at the same time, making their labour available for the public benefit. But the formation of roads and bridges, and the construction of mountain passes opening up in all directions new sources of wealth and prosperity, was the crowning work with which his name is most worthily and unperishably associated in South Africa.

In the mother-country political changes also occurred. In 1852 the Whig Ministry, under Lord Russell, which for some time before had been gradually losing its supporters, was in a

minority and resigned; and the Conservatives, under Earl Derby, came into short-lived power. Sir John Packington was Secretary of State for the Colonies, when the transcript of the Ordinances passed at the Cape, together with Mr. Darling's report thereon, reached England. Sir John intimated it was the opinion of Her Majesty's advisers, as it had been of their predecessors, that the new Constitution should be called into effect at the earliest possible period, consistent with due consideration of the difficulties with which the progress of events had surrounded the subject. And, before coming to a decision with regard to the time, the opinion of Governor, Sir George Cathcart, was called for, in regard to the questions of the franchise, the division of the colony, and the removal of the seat of Government, if the colony was not divided. Meanwhile, the Derby Cabinet had to give place to the Coalition Ministry, formed under Lord Aberdeen, and the Duke of Newcastle took the seals of the Colonial Office. In March, 1853, he announced that the Ministry had determined to advise the Queen in Council to ratify the Constitution Ordinances, with certain revision and amendments. Among these amendments was the general question of the Parliamentary suffrage. Her Majesty's advisers deemed it right to revert to the basis originally contemplated and approved of in the colony, the £25 franchise. At the same time they approved of the provision for conferring the right of voting in respect of salary or wages of a certain amount. This conclusion, it was stated, was come to from their earnest desire that all Her Majesty's subjects at the Cape, without distinction of class or colour, should be united by one bond of loyalty and common interest, and their belief that the exercise of political rights, enjoyed by all alike, would prove one of the best methods of attaining that object. On the question of removal of the seat of Government no special provision was introduced, as it was in the Governor's power to assemble Parliament at such place as public exigency might require. With regard to separation, it was considered that the means did not

exist of forming two separate and sufficiently numerous Legislatures; and on grounds of economy and policy it was deemed necessary to have a united Parliament in the first instance, so as to draw into one focus the various opinions and desires of the representatives of the whole colony in matters appertaining to its common interests.

"It only remains for me now," wrote the Duke of Newcastle to Sir G. Cathcart, "to assure you that, in transmitting to the colony of the Cape of Good Hope Ordinances which confer one of the most liberal constitutions enjoyed by any of the British possessions, Her Majesty's Government are actuated by an earnest desire to lay the foundation of institutions which may carry the blessings and privileges, as well as the wealth and power of the British nation into South Africa; and, whilst appeasing the jealousies of sometimes conflicting races, to promote the security and prosperity, not only of those of British origin, but of all the Queen's subjects, so that they may combine for the great common object—the peace and progress of the colony."

Early in 1854 Sir George Cathcart proceeded to England to assume the high and honourable office of Adjutant-General of the Forces, to which the Queen had been pleased to call him; and before the close of the year he met with an untimely, but most glorious, death on the battle-field of Inkerman, in the Crimea. Previous to his departure from the Cape, he had brought the Kafir war to a successful termination, and initiated important measures for the maintenance of peace on the frontier. The distinguishing features of the policy in force were—the military occupation of British Kaffraria under a government separate from, but subordinate to, that of the Cape; the establishment of the head quarters of the troops at a point in close proximity to the immediate frontier (Graham's Town being, in the first instance, selected for the purpose), under a commander-in-chief, whose authority also extended over the army in British Kaffraria; the settlement along the Victoria East and Queen's Town districts

of a body of energetic and gallant colonists, the essential condition of whose continuance in possession of farms freely granted to them was that they should be at all times prepared to serve in arms at the summons of the Government;—the removal of the rebellious Kafir chiefs and tribes beyond the border, and the settlement of Fingoes, and others whose loyalty could be relied upon, in immediate contiguity with it;—the formation of a corps of mounted police, whose gallantry and efficiency were well proved under their commandant, Walter Currie;—and finally the re-creation of some of the Eastern districts into a lieutenant-government, the officer in command of the troops, Lieutenant-General Jackson, receiving authority to exercise jurisdiction in certain civil matters, in subordination to the general authority of the Governor of the colony.

Until a successor to Sir George Cathcart arrived, the duties of the general administration of affairs devolved upon Lieutenant-Governor Darling; and Mr. Rawson W. Rawson, who had filled the post of Treasurer and Paymaster-General at Mauritius, received the permanent appointment of Colonial Secretary. On the 13th of October, 1853, the old Legislative Council was formerly dissolved—the Lieutenant-Governor remarking that this institution, based upon the principle of representation by election of the Crown, was far from ill-adapted to the intermediate state which was considered essential to the change from the absolute form of government which formerly prevailed, to the system of representation by the people, upon which the colony was about to enter. The elections for the new Parliament soon followed; and on the 1st of July, 1854, the opening ceremony took place in the state-room of Government House, Cape Town, when the Queen's Representative, Mr. Darling, declared to the assembled members;—"I rejoice that the moment has arrived when, by the completion of the provisions of the law of the Constitution, I am enabled, in the name and on behalf of the Crown, to meet you as the representatives of Her Majesty's faithful subjects of the Cape of Good Hope in Parliament assembled."

X.

Parliamentary Government.

1855 to 1861.

Sir George Grey's Plans for the moral subjugation of the Kafir Tribes—Defence of the Frontier—Unexpected Events:—the Cattle Killing Delusion—Destitution and Famine in Kafirland—Seizure of the Chief Macomo—Expedition against Kreli—The work of the First Parliament—The Free State Proposal for Alliance, and Sir George Grey's scheme of Federal Union—His Recall and Re-appointment—Prince Alfred's visit—Sir George Grey's appointment to New Zealand—The general tendency of his Policy in South Africa.

It was the good fortune of the first Cape Parliament to have the counsel and assistance of an exceedingly able and experienced administrator, as Governor and High Commissioner. In 1854 the Duke of Newcastle selected His Excellency Sir George Grey to succeed Sir George Cathcart. He had formerly, as Lieut. Grey, been one of the explorers of Western Australia. He had afterwards been successively Governor of South Australia and of New Zealand, and had displayed great skill, tact, and ability, in dealing with the primitive inhabitants of these countries. In New Zealand, especially, he had been very successful in conciliating the natives and in inducing them to abandon war-like pursuits and adopt habits of peace. These experiences furnished the best

guarantee of his competency for the similar task of civilizing the savage tribes of South Africa.

Sir George Grey, soon after his arrival, made a tour through a large portion of the colony, and Kaffraria, the Free State, and Natal, during his journey availing himself of the opportunity of holding personal communication with the various classes of the community as well as ascertaining the capabilities of the country, and comprehending the political relations of the colonists with the natives contiguous to them. He then communicated to the Home Government and to the Colonial Parliament the policy he proposed to adopt. He at once asked Great Britain to supply £40,000 per annum to defray the cost of executing public works, maintaining education and benevolent institutions, and promoting civilization among the Kafir tribes. The sum might appear large, he said, but it was quite inconsiderable compared with the cost of war for a month. Upon reference to the Commissariat Department he had found that the expenses of the last Kafir war had been at the rate of £1,000,000 per annum, besides a serious drain on the military resources of the empire. The work he proposed to accomplish, he estimated might take eight or ten years, but he was hopeful it would preserve the tranquility of the country and relieve Great Britain from the constant anxiety and expense which the Cape frontier, for a very long period, had entailed. The plan he contemplated was—to gain an influence over all the tribes inhabiting the borders of the colony, from British Kaffraria eastward to Natal, by employing them on public works opening up their country, by establishing institutions for the education of their children and the relief of their sick, by introducing amongst them laws and regulations suited to their condition, and by those and other means gradually winning them to civilization and Christianity—thus changing, by degrees, our apparently irreclaimable foes into friends, having common interests with ourselves.

Upon meeting the Cape Parliament in 1855, he laid before it

the line of policy he proposed to pursue in British Kaffraria and the countries beyond the border. He said: "You are aware that the British Territories in South Africa consists of two portions. One of these, British Kaffraria, lies beyond your jurisdiction and control, its government and affairs may at present be said to be administered by myself as Her Majesty's High Commissioner. The other portion constitutes the colony of the Cape of Good Hope. This district I can, on Her Majesty's behalf, only govern with your consent and advice, and in accordance with your views and wishes. Beyond these two portions of territories lie other states, forming independent powers, ruled by persons of European descent, or by chiefs of the native races. Over all such territories, Her Majesty's High Commissioner can, by advice or otherwise, exercise a greater or less degree of influence in respect to which he is not responsible to this Legislature." In any attempt to carry out plans which had in view the ultimate security and greatness of the whole territory of South Africa,—and which might hereafter bless and influence large portions of this vast continent—he felt it was essential there should be no divided views between the several authorities who could bring about such a desirable state of things; on the contrary that all who were interested in the future of the country and had the power to influence it should co-operate. He, therefore, called upon the Parliament as the depositary of the revenue and resources of the colony, to render him material aid, by providing funds for increasing, organising and equipping the Mounted Police Force, for the security of the frontier and its inhabitants, and that the Government should be allowed to employ that force where and in what manner would best attain those ends.

The system of policy thus proposed by the Governer met with the cordial approval of Her Majesty's advisers, who agreed to an expenditure of £40,000 from Imperial funds, and the co-operation of the Colonial Legislature was assured, by its doing what he

proposed—voting the sum of £49,457,—for the equipment and maintenance of a Police Force of 500 men.*

Military control, not colonization, was the principle which Sir George Cathcart had in view when he advised the retention of British Kaffraria as a separate Government, independent of the Cape, instead of annexing it as a new colonial division, or abandoning it altogether. Sir George Grey, however, in attempting to solve the problem of how to get the black and white races to live together without war, determined to assume the civil occupation of the country and to increase the European population, which, exclusive of the military at that time, consisted of but 1,200 souls,—626 of whom were the inhabitants of the capital, King William's Town and the remainder at the several military posts. The natives, on the other hand, numbered at least 90,000—Gaikas, Slambies, Galekas and Fingoes.

Each Kafir tribe occupied a separate tract of country called a location. Their kraals or villages were placed along the grassy ridges and slopes of the hills which bound the courses of the streams. Several kraals were nearly in sight of each other, and the war-cry being raised at any one of them could be spread from one to the other on every side with wonderful rapidity, reaching even to the extremity of Kafirland—so that continuous streams of warriors led by their proper petty chiefs could hurry from various directions towards any point indicated in the alarm raised. These warriors were also generally found ready to answer the summons. For the greater part of the year they lounged idly about their kraals during the day, their pursuits being principally pastoral, varied by occasional hunting parties in their own immediate neighbourhood, or dances on such occasions as weddings, &c, The men milked the cattle, enclosed

* In addition to this, the Cape Parliament, in 1855, passed a law for the organization of the Colonial Burgher Forces, with the limitation that the different bodies of Burghers should only be called upon to defend their own part of the country, and not be moved beyond their respective divisions.

their cultivations and cattle kraals, and built the frames of their houses. The women thatched the houses, collected the firewood and performed the principle part of the field work. From the month of September to the early part of December the ground was cultivated, and the harvest was gathered in at the latter end of February and the beginning of March. They rarely wandered with their cattle from place to place, the pasturage around each kraal being amply sufficient for their wants. Each group of kraals was under the authority of an hereditary petty chief or headman, and generally each such group was again broken up into minor sub-divisions, all under chiefs of a still more subordinate rank. It will thus be seen that the system of organization was complete; each location of a chief contained, in point of fact, a standing army properly officered, maintained in a certain state of discipline, and ready to take the field at a moment's notice.

The principal chiefs had their authority strengthened, not only by hereditary custom and the veneration which long antiquity commands, but also by the native laws which they administered. The "fees" levied by them in the form of cattle, horses, goats and assegais, formed a large part of their revenue. They were thus enabled to maintain about them a certain retinue of attendants to whom the process of "fining" became a considerable source of profit. Innocent men suffered, in order that they might be enriched. The alleged offence of witchcraft was a public crime which subjected any individual found guilty of it to torture and death, besides total confiscation of his property; and no sooner did a person grow rich than he was almost certain to be accused of the offence, and at least stripped of all he possessed. It was impossible that people subjected to such a rule could ever advance in civilization or long persevere in attempting honestly to acquire property, of which they were almost certain ultimately to be stripped at the caprice of the chief and his counsellors.

To subvert this dangerous system, which gave the chiefs such power for evil, Sir George Grey availed himself of their known

impecuniosity. He made a rough calculation of the probable annual fines received by them, and in lieu thereof offered them a monthly stipend, equivalent to the estimated revenue, to be paid by Government on condition of their relinquishing their authority. The offered was accepted, and the worst part of Kafir policy was thus broken down. By the new arrangement, no more cruelties under the guise of suppressing witchcraft was permitted. All fees and fines for public offences became a part of the revenue of the Crown, as in other countries. The chiefs were still nominally to sit and hear cases, but they were guided and controlled in their deliberations and sentences by European magistrates who were stationed with them, and who, in addition, were expected to move about among the various districts, acquiring a knowledge of the country and its inhabitants, taking an interest in their welfare and exerting themselves to the utmost to encourage industry and promote civilization.

A further development of the Governor's policy was to improve the tenure on which the chiefs and the people held their lands, to give them a vested interest in the soil, and to remove all necessary restrictions, and increase the facilities for trade. At the same time, the resources of the country were opened to commercial enterprise, by good roads being constructed—the Kafirs being employed on these works, and acquiring habits of industry which they had formerly never known. They thus became themselves, to some extent, the conquerors of their country, by opening up, through their fastnesses, available roads, which would be of equal use either in peace or war.

The difficulty in carrying out these changes and in rendering them permanent was, the danger constantly existing of peace being disturbed, before the Kafirs, as a nation, learnt to understand and fully appreciate the benefits which were being conferred upon them. If any such untoward event took place, Sir George Grey was firmly of opinion that the only hope for the future was a steady return to the same principles the moment

such disturbance was effectually crushed. But to make the organization of the frontier for the purpose of defence complete, he recommended that, following a plan adopted in New Zealand, a thousand men of the enrolled pensioners in England should be asked to volunteer to form settlements in defensible villages at carefully selected points. The recommendation was not carried out, as only a small number of pensioners were willing to accept the terms offered. The home authorities, however, proposed as a substitute for it, the settlement of the Anglo-German legion about to be disbanded after the Crimean war, provided the colony contributed towards the expense of bringing them out. This plan was adopted, the Colonial Parliament pledging itself to make good any amount not exceeding £40,000 for carrying it out; and early in 1857, there arrived 2,300 non-commissioned officers and privates of the legion, with a very large proportion of officers, under General Baron von Stutterheim. Unfortunately they were accompanied by very few women or children, and numbers of them were without the social restraints of family life. To remedy the defect, Sir George Grey made arrangements for introducing immigrants chiefly from Germany, the funds required for the purpose being, in the first instance, raised by him from local sources, but ultimately to be repaid by the immigrants themselves.

Meanwhile a series of most novel and unexpected events occurred in Kafirland. Whether they sprang out of some sudden fit of superstitution such as the Kafirs are always subject to, or whether they arose out of the policy of the Governor causing a visible decadence of the power of their chiefs, it is difficult to say.

Towards the close of the year 1856, reports were current that a plot was being formed to involve the country in war. At length the rumours took a defined form, a "prophetess" had arisen upon the other side of the Kei, under the direct and open patronage of the paramount chief Kreli, who revived the ancient

predictions of the race, which had been before uttered by Lynx and Umlanjeni, foretelling, the final success and triumph of the black race, the resurrection of their ancestors from the dead, and the total destruction of the whites. To bring these events about. the people were to destroy all their cattle and other live-stock. as also their corn in store, to get rid of their ornaments, and to refrain from cultivating the ground, so that they might, at the usual time of harvest, be utterly destitute of all means of subsistence. The only things which were not to be destroyed or disposed of, but which were sedulously increased by theft or other means, were horses, arms, and ammunition.

The believers in the prophetess foretold that the results of such proceedings were to be the propitiation of the spirits of their ancestors, and their consequent re-appearance from amongst the dead to aid their descendants, and the total destruction of the whites and unbelievers by supernatural means. Others asserted that under this show of superstition, by which the chiefs worked on the terrors and prejudices of the most ignorant and superstitious of their tribes, lay hidden a deep political plot; that the arms, horses, and ammunition were preserved or obtained for war; that the cattle and corn were destroyed, because the care of them had been found to be an incumbrance in former wars,—men's thoughts being then divided between preserving their own property and assailing their enemy's; and that the means of subsistence were destroyed, because starving and desperate men would readily and fiercely attack the scattered farmers on the frontier, by the pillage of whom their wants would be speedily and abundantly supplied.

The Government, through its agents, was apprised of what was going on, and warned Kreli of the consequences of the course he was pursuing. All possible influences were also used to prevent the other chiefs from joining in the movement; and the Gaika Commissioner (Brownlee) was successful in raising a party adverse to it among Sandilli's tribe, then the most warlike

and powerful of the nations, without whose conjunction no aggressive action was likely to be made. The unity which was indispensable to success on the part of Kreli and his supporters,—among whom were Macomo, Umhala, Pato, Stock, Oba, and Xoxo,—was thus destroyed. There arose two great parties in the nation, who regarded each other with the utmost animosity,—the "believers" and the "unbelievers;" the latter including most of those who were attached to missionary stations, or who were retained in the pay of the Government as a village police, or who had adopted European customs.

The "believers," however, gradually destroyed all their corn and live-stock of every description, and would not cultivate their land,—one part of them apparently hoping, month after month, that they would be attacked, and that a war would be brought on; the other part of them, whose superstition led them faithfully and truly to believe in the prophetess, earnestly trusting, day by day, that her predictions would be fulfilled.

By the month of February, 1857, matters drew towards a crisis. The means of subsistence of the Kafir race had so far diminished, that it was requisite that some decisive step should be taken by the chiefs. Their prophetess therefore fixed upon Wednesday, the 18th, as the day upon which her predictions were to be fulfilled. When the sun rose that morning, after wandering for a time in the heavens, it was to set again in the east, and a hurricane was then to sweep from the earth all who had not believed in the revelation, whether Europeans or Kafirs. Then the ancestors of the Kafirs were to rise from the dead, with countless herds of cattle of an improved breed, and with quantities of property of every description, all of which were to be shared out amongst the followers of the prophetess, who were to be at the same time restored to youth and endowed with beauty.

During the few days preceding, the "believers" slaughtered all their remaining cattle and live-stock, and destroyed what means of subsistence they had left. They had previously re-thatched

their huts in the most careful manner, that they might resist the expected hurricane; and finally, on the Wednesday, shut themselves up in them, awaiting the events which it had been predicted were to take place.

The 19th of February found them disappointed, destitute, and in many instances prepared to commit any outrage. So complete was the state of destitution to which the followers of the prophetess had reduced themselves, that one of the chiefs, who formerly owned immense herds of cattle, had not a single head left; none of the greatest chiefs had preserved more than three or four; one of them was obliged to work upon the roads, whilst in many parts the country was covered throughout the day by crowds of women and children digging for wild roots, as the only means of subsistence left to them.

Sir George Grey had all this time been calmly watching the game of the chiefs. He carried on the administration of affairs in the country apparently as if war was a contingency which it was impossible could happen. But as regards preparations for war, he quietly acted as if it must inevitably come. The Home Government, apprised of the emergency, had sent reinforcements from England and Mauritius, and the Imperial and Colonial arms at his disposal numbered near 8,000. With these, day by day, he was strengthening himself and preparing at all points to crush out any spark of rebellion ere it could grow to importance. When the long-anticipated crisis at length arrived and passed, he was equally ready with his measures to turn the event to good purpose. He at once made use of the power which the infatuation placed in his hands to strengthen his policy, and at the same time saved thousands of the natives from the destitution which famine would have brought upon them. He brought away the starving wretches from their kraals, providing employment for some upon public works, and distributing others far and wide in small numbers through the country. Extensive and imposing hospital buildings, specially for the relief of the sick and suffering, were

erected at King William's Town, and substantial aid was given to missions and industrial schools. The colonists, too, benevolently came forward and co-operated with his Excellency in humane efforts to afford assistance to the destitute, and to avert the lamentable consequences of the catastrophe in which the Kafir nation by its own acts was plunged.*.

At this time some of those natives who had lost their property by obeying the mandate, "to kill," formed bands of marauders in Kaffraria, and several acts of violence were reported to have been committed by them; among others the barbarous and unprovoked murder of Captain Ohlsen, one of the bravest officers of the German Legion, who was attacked and killed with assegais, in riding out from King William's Town to Fort Murray in the dusk of the evening. To put a stop to such proceedings Sir George Grey, in March 1857, issued a proclamation in which, in the most earnest manner, he warned the chiefs and others, that all persons convicted of having committed, or attempted to commit robbery with arms in their hands, would be punished with death. It was, however, believed that—notwithstanding the issue of this proclamation—some of the chiefs continued, directly or indirectly, to encourage their followers to commit robberies and murders, appropriating to themselves the booty that was obtained. Macomo was suspected of having thus caused the death of one Fusani (a paid spy of the Government), whose kraal was attacked by night and himself murdered, while his property was carried to Macomo's great place at Hangman's Bush. He and his followers were apprehended, and tried at Fort Hare, before a special court, composed of Colonel Pinckney, Captain Reeve, and Captain Squire. Macomo admitted that he had sent an armed party to Fusani's, because the latter was destroying his influence,

* The Hon. C. Brownlee states that—influenced by the delusion—the Kafirs slaughtered their cattle to the amount of 200,000, and destroyed all their crops. This reduced the people to such a state of starvation that 25,000 souls unhappily perished, and nearly 100,000 disappeared for a time from the country, driven out by the famine, which they themselves created.

but that he had given no orders to kill him. The testimony of two of the chief's followers was received as Queen's evidence, and showed that the party who in Kafir-phrase "eat up" Fusani, were acting under Macomo's orders. The court declared sentence of death against himself and the other prisoners, but Sir George Grey commuted the sentence to imprisonment for twenty years, and Macomo, with other offenders, was placed for safe custody on Robben Island.*

During 1857, the disastrous intelligence of the mutiny of the Sepoy troops in India reached the colony. Immediate steps were taken by the Governor to despatch reinforcements. Of the troops at the Cape five thousand men, besides two thousand horses, commissariat supplies and specie were sent on to India. The situation in the colony itself was still critical; but reliance was placed upon the few regiments left, the Border police, the burghers, and the volunteers, who gallantly came forward to offer their services for garrison duty. The quarter from which danger was apprehended was that part of Kafir-land immediately beyond the colonial boundary, where the paramount chief Kreli resided. He had not personally suffered much from previous wars—the evils of which fell chiefly on the tribes within the border—while the greater part of the booty carried off from the colonists became his, as it was generally sent to the rear for

* Macomo was the eldest son of Gaika, yet according to Kafir law he was subordinate to Sandilli, the son of the chief's "great" wife. His natural abilities and his bearing gained him very considerable power among the tribe; and had he been influenced by anything like Christian motives or principles, as sometimes he led the teachers who came in contact with him to believe, he might have been the regenerator of his race. Unfortunately he was swayed by the impulses of his savage nature, which were often aggravated and intensified by intemperance. On one occasion a clergyman reproved him for his drinking habits, but, unluckily for the gentleman, Macomo had observed him dining at the 7th Dragoon's mess at Fort Beaufort, and retorted, "Yes, it is true I drink, but it is when the sun is shining and people see me, but you drink in the dark at night, in the mess-room, like a wolf." Macomo in person was beautifully proportioned, about five feet seven inches in height, with a brilliant piercing eye and a singularly well-formed head. It was remarked of him in his prime, "you would suppose he had come out of a lathe." Governor Wodehouse, in 1870, took pity on the banished chief, commuted his sentence, and permitted him to return to Kafirland, but he had not been long there when apprehensions of his again plotting some mischief arose, and he was once more removed to Robben Island, where he died three or four years ago.

safety. Although his tribe was much reduced, his people were again beginning to grow troublesome. Reports were spread by them that all the English troops had left the colony, and messages were sent in various directions to prepare for uniting in another attempt on the British. Sir George Grey determined to show that the energies of the colonists were not prostrated by the war in India. As it was evident that Kreli and his people were a focus around which the evil-disposed might collect, he resolved in February, 1858, to make instant arrangements for a series of combined operations which would end in the expulsion of Kreli and his tribe beyond the river Bashee, and so place them at such a distance that they could no longer be capable of annoying the colony. These movements were conducted by Major Gawler, 73rd regiment, at the head of a large party of Kafirs (among whom were some of the "unbelievers" who had fled from Kreli's anger), and Commandant Currie, with a number of the Border mounted police force, and the Frontier burghers, accompanied by the Hottentot Levy. Kreli and his people, enfeebled by famine, were driven to the most precipitate retreat; only on one occasion did they attempt to make a stand, but they were soon put to flight, and crossed the Bashee where, on the morning of the 26th February, they were seen in large numbers ascending the hills on the opposite side of the river. This movement seems to have completely broken the fighting-power of the Kafirs; they have never since assumed any aggressive attitude towards the colony.

The Governor's proceedings, however, were the subject of debate in the Colonial Legislature. One of the members of the House of Assembly, Mr. Solomon, raised the question whether it was desirable or expedient to sanction the employment of the Frontier police, beyond the boundary in acts of aggression or conquest, and the justice or injustice of the expedition against Kreli was discussed at length. Incidentally, too, the anomaly of the offices of Governor of the Cape Colony and High Com-

missioner of all South Africa, being united in one man, was brought under review, and referred to as likely to be productive of difficulties in the future. In a House of thirty-three members only three supported Mr. Solomon's motion, and an amendment, proposed by Mr. Molteno, was carried to the effect that, from the explanations furnished by the Governor, the House was satisfied that His Excellency was fully warranted in employing the police as he had done.

One result of the calamities that had fallen upon the Kafir tribes, was that large tracts of country in Kaffraria were cleared of their former occupants. The Governor filled up some portions beyond the Kei with friendly natives, Kafirs and Fingoes, placed under European magistrates, and he made arrangements for occupying other parts, on a system of military tenure, with an European population reared in the colony, acquainted with the Aborigines, their habits and their mode of warfare, and therefore likely to keep them in check.

While these matters of frontier policy more immediately occupied Sir George Grey's attention, he was not neglectful of other interests affecting the welfare and prosperity of the colony generally. In Australia he had witnessed the extraordinary development which followed, from a systematic introduction of emigrants, and from what he had seen of South Africa, he was satisfied that it offered at least equal advantages as a field for the profitable employment of industry, as well as of capital in the occupation of lands.

In 1856, he proposed a scheme to Parliament for raising a loan of £200,000 for immigration purposes, and in recommending its adoption urged that the increased revenue, which would be yielded by the population introduced, and the greatly enhanced value which their presence would give to the waste lands of the colony, would defray the interest of the debt and provide a sinking fund for its liquidation. There was some opposition to this measure from a conservative apprehension that

the loan would be the foundation of a "national debt;" but His Excellency's arguments—that the greatness of all powerful nations and states had sprung from a wise use of the public credit—prevailed; and the scheme was sanctioned, the expenditure of the Government, however, being restricted to £50,000 per annum.

Besides immigration, plans were devised for developing the internal trade of the country. In 1857 authority was given for the construction of the first line of railway from Cape Town to Wellington. Roads and bridges, in various directions, were sanctioned and measures were passed for promoting a harbour of refuge in Table Bay, and for the construction of harbours at the mouths of the Kowie and Buffalo rivers. Other subjects also received special care and attention, such as the means of making the crown lands more available to the inhabitants, and more profitable to the revenue; the relations between masters and servants, the remodelling of the divisional organization of the colony, the extension of its magistracies, and the formation of district councils; as well as the spread of education, with a view to the training of youth in the highest branches of learning, and the rearing in the country of a body of educated and well-informed gentry.

With the termination of the session of 1858, the legal period for the dissolution of the first Cape Parliament arrived, and the Governor, in his closing speech, complimented the two houses upon the wisdom and moderation that had marked their deliberations, as well as the great usefulness of the legislation they had enacted; while the Colonial Secretary testified that in four short years this Parliament had done more for the prosperity and happiness of the country than it would have been possible for the old government, however well managed, to have accomplished in half a century.

In the interval between the dissolution of the first and the assembling of the second Parliament, Sir George Grey was

employed in the friendly office of meditating between the Orange Free State and the Basutos. He was successful in his negociations, winning the entire confidence of both the belligerent parties, and calling forth from them an expression of their desire for closer relations with the Colonial Government.

During his visits to these Transgariep communities, he became thoroughly impressed with the misfortune to South Africa of the policy of dismemberment which had been adopted during his predecessor's government. He felt that constant anxiety and apprehension must arise from the isolation of the border republics; that their smallness and weakness would encourage the surrounding tribes to resist and dare them; whilst the treaties entered into with those States, and the utter abandonment of the natives by Great Britain, to whom they had hitherto looked up, might even lead the various tribes to combine for mutual protection, and acquire a strength and boldness such as they had not before shewn. There would consequently always be the chance of war in some direction, the effect of which would be detrimental to the colony as well as to the progress of industry and the arts of civilized life northward.

The contest with the Basutos in 1857-8 had brought home to the people of the Orange Free State themselves the dangers and difficulties which surrounded them, and the necessity for obtaining help in order to hold their own. The burghers were divided in their opinions. Some advocated a return to British allegiance, which was vehemently opposed by others. A few urged a union with the Transvaal, others denounced it. Many desired an alliance with the Cape Government on the ground of the influence exercised by it, and the powerful support which it could give, should there be a necessity for appealing for help in the defence of the country. This idea obtained the most favour, and Sir George Grey was applied to for an opinion as to the chances of such an alliance being realized. His reply was that as Governor of the Cape Colony he could not appear in any way to encourage

the proposal, unless he was addressed through the government of the state. Memorials upon the subject were then presented to the Volksraad at Bloemfontein, and on the 7th December, 1858, a resolution was agreed to by that body:—"That the Council (Raad) feels itself in union with a large number of the burghers who have already approached the Council by memorial, convinced that a union or alliance with the Cape Colony, either on the plan of federation or otherwise, is desirable, and resolves that His Honor the State President (Mr. Boshoff), be requested to correspond with his Excellency the Governor on that subject, in order thus to ascertain whether the Cape Parliament will declare itself inclined for such a union, and whether the Colonial Government would receive a commission from this State, if possible, at one of the towns in the Eastern Province, who, together with that Government, or with a Commission to be appointed by it, shall draft the preliminary terms of such a union, to be thereafter submitted for the approval of both Governments."

Anticipating that this request would be made, Sir George Grey, in July, 1858, wrote to the Secretary of State for directions as to the manner in which he should deal with it. Sir Bulwer Lytton was then at the head of the Colonial Department, and soon afterwards replied that "if any overtures for union were addressed to him he should answer them by declaring that he must wait for instructions." About the same time, Sir Bulwer, in a confidential despatch, invited his Excellency's opinion upon the general subject of consolidating in federal union all Her Majesty's possessions in South Africa—the Cape Kaffraria and Natal, and upon the permanent policy to be pursued towards the Border States, consistent with the maintenance of public faith pledged by the existing treaties.

Sir George's own opinion was entirely in favour of Federation. He responded to the Secretary of State's request in a masterly despatch, in which he shewed that the views that had formerly prevailed in England regarding South Africa were mistaken

That instead of this being a costly and troublesome possession, it was, in point of fact, one of great and yearly increasing value to the trade and commerce of Great Britain. That the colonists, instead of desiring and encouraging war, were fully aware of the much greater advantages they derived from peace. That Her Majesty had no more faithful and loyal subjects in any portion of her possessions, and that they were willing to contribute to their own defence and would do so to a greater extent if they were allowed to take a more direct share in the administration of the affairs of the country.

In recommending a remedy for the state of things which had arisen out of the measures hurriedly adopted in 1852, before any free form of government had been introduced, or the wishes of the inhabitants were in any way consulted, he urged that an Act of the Imperial Parliament should be passed, which would permit of the States and Legislatures of this country forming amongst themselves a federal union, such as their several interests would show them to be for the common good. In his despatch he said:

"This union of federated states would possess a general Government, administered by a Governor, representing and appointed by Her Majesty, assisted by a Legislature chosen by the people of the several states, which would have powers of legislation upon all points of general interest, and relating to the proportions in which the general revenues should be divided between the several States. To the general Legislature would also belong the duty of providing for the general safety.

"The Governor should, I think, be assisted by what is called a responsible ministry, possessing the confidence of the general Legislature, without whose advice it would not be competent for him to act. Such council would, probably, be made up of the representatives of the several States, so that a knowledge of the requirements and feelings of every part of this vast country would be brought to bear on each question which came under discussion; an advantage which only those who have to carry on the government under the present system could fully estimate.

"The several States should, I think, through their own local Governments and Legislature, have full and free scope of action left to them in all subjects which relate to their individual prosperity or happiness. The heads of their local Governments should correspond with the General Federal Government upon all necessary points, so that they might act in conjunction with that Government in relation to all subjects which concerned the general safety or weal.

"Under such a form of government a large number of persons in each State would be trained to take general views upon the highest questions relating to the common welfare. No war could be entered upon but with the general consent of all the States. If any dispute arose between one of the States and a native chief, the demands made upon such chief would probably be just ones, for they would be considered by a large and impartial body. They would, from this cause alone, command respect; but I think they would not be likely to be disputed, for it would be known that a demand made in the name of such a large federation would certainly be ultimately enforced,

"Under such a system I think it very improbable that any large native war would again take place, but if it did, it would be entered upon with enthusiasm by the people upon whom it had been forced. It would have been determined upon by their own representatives after every fitting effort had been made to avoid it, and they would provide large means for carrying it on. They could not then say, as they might now say, it had been brought on by the mismanagment of a High Commissioner or the Home Government, and that they had nothing to do with the matter. I do not think that such a system as I propose would immediately relieve Great Britain from all military charges in reference to this country, but I think it would at once tend to diminish these charges, and ultimately greatly to reduce them.

"The Governor, acting also in accordance with the advice of a responsible ministry, would avoid all the hazards now incurred by

the High Commissioner of seriously involving Her Majesty with the inhabitants of this country if he then adopted any measures repugnant to their feelings. His proceedings would simply lead to a change in the administration, not to the very serious disputes and differences with the home authorities which now take place.

"I do not think it necessary to advert to the additional security which would be obtained for life and property under the system I have proposed; to the confidence which would then be created in the decisions of the constituted courts; to the encouragement which would be given to talent by the openings offered in the administration, in the senate, on the judicial bench, at the bar; to the encouragement and security which would be given to trade and commerce by uniformity of insolvency laws, and of laws regulating bills of exchange, as also from the prevalence of general peace and security, to the prosperity and contentment which would follow from the stimulus given to trade and industry by peace and prosperity, so that the very States which abandoned a share of the whole revenues which they now enjoy might reasonably hope to gain more than they lost; these and like points will suggest themselves to anyone who considers the entire plan."

This despatch Sir George Grey thought would strengthen the views of the Secretary of State in favour of Federation, and if so he conceived the home government would not be disinclined to consider the proposals made by the Free State. At any rate, it would be keeping the question open to submit the matter in a general way to the Cape Parliament. Accordingly at the opening of the session of 1859, he put before the local Legislature the application of the Free State, and in his speech added a strong expression of his own opinion in favour of a federal union, which he said would confer a lasting benefit upon Great Britain, and upon the inhabitants of this country. But scarce a week or two had passed ere he received an official information from the Secretary of State, that after weighing the arguments which he adduced in his despatch, "Her Majesty's Government were not

prepared to depart from the settled policy of their predecessors by advising the resumption of British sovereignty in any shape over the Orange Free State." His Excellency immediately communicated this decision to the Colonial Parliament, and the question of alliance with the Border States, or federal union in any form, was dropped.

The Governor's speech to the Cape Parliament, as might have been expected, took Sir Bulwer Lytton by surprise. It shewed a disregard of instructions in a question of policy of the first importance, more especially as it was held to be the province of the Crown alone to determine whether steps should be taken towards annexing or re-annexing extensive regions under independent governments to the empire. Besides, the records of the Colonial Office shewed a disposition on the part of Sir George Grey to overleap the ordinary duties of Governor. Instead of keeping his superior informed of his intentions he was prone to act on his own responsibility, leaving the Secretary of State to choose between the alternative of reprehending his proceedings or supporting him in what he could no longer prevent. Under these circumstances Sir Bulwer Lytton signified to him his recall, adding that the first opportunity would be taken of naming his successor.

This untoward event created much surprise and regret in the colony. Addresses expressive of sympathy poured in upon the Governor, and public meetings were held, at which it was resolved to petition the Queen to cancel the recall, and to allow him to remain at the head of the Colonial Government, in order to consolidate the large and comprehensive policy which he had initiated. Sir George Grey himself regarded that he had been very unjustly dealt with. In his defence, he remarked, with respect to the necessity for his removal on the ground of not holding the same views upon essential points of policy as Her Majesty's Government held, that during the five years that had elapsed since he was appointed there had been at least seven Secretaries of State for the Colonial Department, each of whom had different ideas

upon some important points of policy connected with the country. It was impossible for him to agree in opinion with each of them, and difficult to modify proceedings which he knew were in accordance with the wishes of one so as to suit the views of each of his successors as they rapidly followed one another. In the case of the federation question he pleaded that if any error arose it was from that sanguineness which proceeds from over-zeal, not from intentional disobedience. He had been led to think from the purport of the confidential despatch of Sir Bulwer Lytton that the Secretary's views and feelings were strongly in favour of federation, and that in bringing matters to such a point as he had done, in submitting the measure to Parliament, he conceived he was contributing to render the Colonial Minister's career successful. "Excuse me for saying so," observed Sir George, "but mistakes may occur in despatches from a distant superior, or they may not always be so easy to understand, even if emanating from one of our most skilful writers."

Happily for Sir George Grey, before his successor could be appointed another change of ministry took place, and his friend the Duke of Newcastle was once more at the Colonial Office. One of the first matters he had to investigate was the affairs at the Cape. He wrote to Sir George that after consideration of all the circumstances, he could not but agree in the disapproval of his conduct which had been expressed by Sir B. Lytton. "But," he said, "I bear in mind that you are in the midst of a great work, engaged in for the benefit of the native tribes and the establishment of peaceful relations between them and the colonists. Recognizing, as I do, your eminent public services, and the fitness which you have shown for tasks of this important and difficult character, I am unwilling to interrupt that work, and to deprive the community of the advantage of its completion, and yourself of the honour of its success. I am ready, therefore, to suspend taking any steps for the appointment of a successor—but upon one condition. That condition is, that you feel yourself suffi-

ciently free and uncompromised, both with your Legislature and with the inhabitants of the Orange River Free State, to be able personally to carry into effect the policy of Her Majesty's Government, which is entirely opposed to those measures, tending to the resumption of sovereignty over that State, of which you have publicly expressed your approval in your speech to the Cape Parliament, and in your answers to the addresses from the State in question."

After this Sir George Grey proceeded to England—the local Government meanwhile being administered by the Lieutenant-Governor, General Wynyard. An interview and explanations with the Secretary of State followed, and it was arranged that Sir George should return to the Cape and resume his office. During his brief stay in England, however, he had the honour of an interview with Her Majesty the Queen, who was interested in the social, political and national progress which was being achieved in South Africa. It was then in contemplation that the Prince of Wales should honour the American Colonies with a visit, to inaugurate the Victoria Bridge across the St. Lawrence, and Sir George Grey proffered the request that Prince Alfred should be commissioned to confer a similar distinction on South Africa, and in the Queen's name to cast the first rock into the sea as the commencement of the breakwater and harbour of refuge in Table Bay. Her Majesty graciously approved of the proposal, and arrangements were made for the visit of Prince Alfred to the Cape in the following year. At the same time the Queen was pleased to confer the honour of knighthood on three colonists—Sir Thomas Maclear, the Astronomer Royal at the Cape, distinguished for his services to science and his friendship to the explorer Livingstone; Sir Walter Currie, who attained a well-deserved celebrity as the brave and efficient commandant of the Frontier Mounted Police, and Sir Christoffel Brand, the first speaker of the House of Assembly, whose learning and talents as a lawyer and politician had been unselfishly devoted to the public interests of the country for nearly half a century.

Prince Alfred's visit in 1860 was an event of much interest and significance to the colony. The youthful Prince, then a lad of fifteen, serving as a midshipman in H.M. Frigate *Euryalus*, was looked upon as the ambassador and representative of his Royal Mother, and thus he was received as would have been the Queen herself. During the two months of his stay, business and politics were alike temporarily suspended; and all classes—Englishmen and Dutchmen, French and German, Malays and Native Africans,—united in manifesting a thoroughly joyous loyalty. Throughout his extensive tour, accompanied by Sir George Grey from the Cape Promontory to Natal, the people were most demonstrative in their enthusiasm, and for years afterwards in the farm-houses of the distant Boers, the huts of the wild Kafirs, as well as in the towns and villages of South Africa, "Prince Alfred" was a household name.*

In July, 1861, Sir George Grey received a despatch from the Duke of Newcastle, informing him that Her Majesty had been advised to appoint him for a second time as Governor of New Zealand, as the native difficulties in that colony had assumed a serious character, and there was no servant of the crown on whose resource and experience so much reliance could be placed for averting the danger with which the colonists and the Maories alike were threatened.

This brought to a close his administration of affairs in South Africa. There were loud and unanimous expressions of regret at his departure. During his Governorship the country had been eminently prosperous and progressive; and the public cordially acknowledged that this was greatly due to the efforts he had made in various ways to promote its material and social interests.

* As one effect of the Prince's visit, fresh interest was awakened in many useful and ennobling institutions throughout the colony. In Cape Town, besides the Breakwater and Alfred Docks, the Prince Alfred's Sailors' Home was commenced and established. The Public Library and Museum Buildings were inaugurated, and the Prince, on behalf of his Royal Mother, presented to the Legislature and the colony of the Cape of Good Hope, a magnificent full-length portrait of the Queen by Winterhalter, which is now in the Library.

They also appreciated the mixture of firmness and benevolence which had characterized his dealings with the natives, and the sagacity with which he had avoided war, and availed himself of the extraordinary incidents which took place in their history so as to use them for their advantage, and the security of the colony. They likewise valued the elevating influence of his far-stretching views of the duties and privileges of the colonists of the Cape,—whom he regarded as placed by Providence in a position whence they might spread civilization and Christianity through the boundless territories lying beyond the Border, and thus bless and earn the blessings of nations yet to be born in the interior of this vast continent.

In his despatches and speeches, from which we have already quoted largely, Sir George Grey is his own best historian. His valedictory address to the Cape Parliament, in August. 1861, thus sketched the general tendency of the policy he had striven to pursue:—

"The European race and the coloured race *will* increase, *will* hold intercourse with each other, *will* pass within each other's limits; and they must either do this in such a manner as to promote their mutual advantage or to kindle mutual animosities and inflict ceaseless injuries upon each other.

"To limit the bounds of the British Empire to the exact position they at present occupy—if those bounds are for ever to be assailed by numerous and barbarous enemies, are for ever to be defended by numerous and costly troops, and are for ever to be inhabited by a poor race of settlers, constantly pillaged by their enemies, and consequently unable to accumulate capital, and afraid to invest it in improvements—is to gain no advantage either for the British possessions themselves or for the races who are brought into contact with them. Whilst to enable the European race in South Africa to occupy such territory as they really require, with the full consent of the natives, and on such terms as are mutually advantageous to both races, and to follow this

mixed population with law, order, and Christianity, is to build up and ultimately to consolidate great and prosperous communities, wealthy and strong enough to maintain themselves, and prepared, from experience and from a sense of what is necessary for their own security, to carry still farther, at no cost to the British Government, the blessings of law and order, and of the Christian faith, by spreading these amongst the savage races who lie in their neighbourhood and beyond them, and who could, from the first, by direct taxation, defray a portion of the cost of such a system.

"To try to prevent such happy results from taking place, especially where the European and native races are anxious for them, is to force on unwilling populations a line of policy which must so embitter race against race that actual hatred and mutual injuries must prevail, instead of good-will and friendly offices.

"Every effort has, therefore, been made to build up a system under which the various races in South Africa might, with mutual advantage, be constantly brought into constant and permanent intercourse with each other, as the civilized portions of the population spread further and further from the parent colony, in which themselves or their ancestors had been originally settled.

"A necessary portion of such a system was, that here, on the spot, should at least in part be trained the statesmen, the lawyers, the divines, and the leaders who were to direct, lead, and control the tide of emigration, which must, year by year, with ever accumulating force, pour forth from this colony or its offshoots.

"It was also necessary that this colony, the great base from which such extensive movements were to proceed, should by the aid of great lines of communication, by public works, and by large facilities being provided for the successful prosecution of its trade and commerce, be placed in such a position that it could supply the wants and receive and export the produce of the new communities which are certain constantly to spring into life.

"Believing strongly that these things must take place, I have not hesitated, from my first arrival here, earnestly to recommend

a course of legislation which might conduce to such results. A reference to the statute book and the expenditure of the colony will show how largely and generously the Colonial Parliament has aided in such views. It is in their very nature that they are to be in progress for centuries, and are never entirely to be achieved. Hence, in a few years, but little seems to have been done towards so great an end. Yet to have seen such a prospect afar off, and to have struggled, however weakly, towards it, is something.

"Now that my own part on this scene of action has been played out, I look back with regret at some things done, at much that has been left undone, and with pleasure at some things which having been planted, seem growing into life. But amidst these mingled feelings of sorrow and of hope, which must long live in my mind, there will ever survive a grateful remembrance of the sympathies and assistance which have on so many and such varied occasions been given by this Parliament, and the inhabitants of South Africa, to the efforts I have made to conduct successfully the Queen's service, and to give effect to Her Majesty's ceaseless desire to promote the happiness and welfare of her subjects, and of all races to whom the influence of her far-extended sway reaches."

XI.

Parliamentary Government.

1862 to 1873.

Sir P. E. Wodehouse—Withdrawal of Imperial Funds—Letters Patent constituting Kaffraria a separate government—Plan for the Settlement of Europeans in the Transkei abandoned—Concessions to Kreli—Transfer of Natives from the Colony to the Transkei—Relations between the Governor and Parliament—Finance—Responsible Government—Separation—Remedial Measures—Alternate Parliaments—The Session at Graham's Town—Imperial Act for the Annexation of British Kaffraria—Collisions between the Governor and the Legislature—The Final Struggle—Appeal to the country—Proposals to Abrogate Parliament rejected—Sir Henry Barkly appointed Governor—Equality of Representation—Federation—Responsible Government introduced.

Sir Philip Edmond Wodehouse succeeded to the three-fold offices of Governor of the Cape Colony, Governor of British Kaffraria, and High Commissioner for the management of native affairs in South Africa. Like his predecessor, he had considerable experience as a Colonial administrator; but it had been in Crown Colonies, such as Ceylon, Honduras, and British Guiana.

His Excellency, upon his arrival in January, 1862, was cordially welcomed by the inhabitants at the Seat of Government, who received with delight his announcement that he was anxious to develop Sir George Grey's policy in its integrity, and his assurance that he came amongst them with a sincere desire to discharge his duty to the colony, and to spare no pains in the

promotion of its best interests. The ability to discharge these duties, however, was dependent upon the means placed at his disposal by the Imperial Government or the Colonial Legislature; and he was not long in discovering that his expectations of what he considered adequate material assistance from either quarter were not to be easily or readily realised.

Previous to this, the grants from Imperial funds for the consolidation of the Cape frontier policy had been greatly reduced. In 1858, Sir George Grey found himself apprised that £20,000 was all that could be given for British Kaffraria, and that for the future the province must provide for itself, or arrangements be made for its incorporation with the Cape Colony. In 1859, the Colonial Parliament was asked to consider the question of its annexation, or to agree to the restoration of the port of East London to British Kaffraria, in order that the revenue of customs there might be applied to the maintenance of its separate government. The Parliament came to the conclusion that it would be highly inexpedient to enlarge the already extensive limits of the colony by the incorporation of Kaffraria, but it saw no objection to giving up the port of East London which, as a matter of temporary convenience for the assimilation of the custom dues had been proclaimed a colonial port. Sir George Grey then (in October, 1860,) promulgated letters-patent constituting the territory a separate government. These letters-patent had been granted as far back as December, 1850, a few days before Colone, Mackinnon's patrol was fired upon by the Kafirs in the Boomah Pass; but the occurrence of the war in 1851-2 prevented their being issued, and the country had since been governed by the High Commissioner. Under the letters-patent the Government was vested in the Governor of the Cape, being, in his absence, administered by a local Lieutenant-Governor—Colonel Maclean,—with a civil and judicial establishment, costing about £40,000 a year, while the revenue in 1861 did not exceed £25,000 per annum.

When Sir Philip Wodehouse took office, a grant in aid from Imperial funds to the amount of £10,000 for 1862-63 was reluctantly promised him by the Secretary of State, the Duke of Newcastle. But, as a policy of economy in all expenditure upon the colonies was then being adopted by the House of Commons, he was made aware no further vote could be looked for, and he was instructed that all legitimate means must be taken to make British Kaffraria, with its extended territory, self-supporting, and to keep constantly in view its ultimate annexation to the Cape colony.

This latter course recommended itself to His Excellency from the outset. Kaffraria, with a deficient revenue, with no legislature, and with scarcely a government—its public establishments being made up of officers with high sounding names and the smallest salaries—was extremely inconvenient, and promised to be a source of great embarrassment. He, therefore, submitted to the Cape Parliament as soon as the session of 1862 was opened, a bill for the incorporation of Kaffraria with the colony. The measure, however, was not acceptable; it was thrown out by a majority of 19 to 14. The impediments in the way of union, His Excellency found, were greater than he anticipated. Cape colonists on the one hand objected to it from an apprehension that by consenting to such a measure they would come under expense and obligations for the general military defence of the whole frontier, of which they could see no precise limits, while as long as Kaffraria was a Crown colony it could not, under any circumstances, be abandoned, and must at all costs be maintained by Imperial resources. The people of British Kaffraria on the other hand unanimously resisted annexation, regarding it as a rescinding of the privileges granted to them as a separate government under the letters-patent, and they clamoured for the completion of their government by the creation of an Executive or Elective Council.

During all this period, the valuable tract of country beyond the

Kei, remained unoccupied. Although more than three years had elapsed since Kreli had been dispossessed of it, no steps had been taken for its permanent and beneficial occupation. Sir P. Wodehouse in his capacity of High Commissioner proposed that the lands should be given out in farms to Europeans, on payment in advance of the cost of survey and title, and of an annual quit-rent of £20 or £25, and on condition that each farm should be bound to keep two men capable of bearing arms and liable to attend at periodical musters, similar to the Cathcart grantees. To carry out this plan, however, he considered it necessary to organise an armed force for the protection of this new frontier, and he thought that could best be supplied by converting the Cape Mounted Rifles (which were about to be reduced) into Irregular Horse. He, therefore, asked for an Imperial guarantee to a loan of £100,000 on security of the Kaffrarian revenue to effect this, and for conditional permission to carry out his scheme.

Meanwhile, Sir Percy Douglas, who succeeded General Wynyard as Commander of the Forces in the colony, made his report on the subject to the Secretary of State for War, representing the inadequacy of the Imperial troops at his command to hold the extended territory, and calling attention to the probable cost its occupation would entail. "I still hold" he said "to the opinion that the extension of our settlement beyond the Kei River will necessitate the sending troops into that region. Your Lordship is aware how inadequate our present force is to meet the requirements of such extension of military occupation. I offer no opinion upon the policy of such extension, but in the face of recent events, and convinced as I am that this must entail a considerable augmentation of military expenditure, I venture to suggest that before the occupation of the country between the Kei and the Bashee be entered upon, it would be prudent on the part of the Home Government to count the possible cost of such a course."

Mr. Cardwell was Secretary of State when these representa-

tions reached Her Majesty's Government. Apprehending the serious risk of greatly increasing the military expenditure, which might attend the occupation and settlement of the Transkei, he directed that British dominion should be withdrawn from it, and the Kei River made again the extreme boundary of the colony of British Kaffraria.

Sir Philip Wodehouse seeing it was useless entertaining any hope of a reversal of this decision, applied himself to discover other means of filling up the vacant territory. The country beyond the Bashee, into which Kreli had been driven, was represented by all who were acquainted with it, as quite unfit for the support of himself and his tribe. Through Mr. Warner, a government officer who visited him, the chief entreated Sir Philip to have mercy on him and give him back some portion of his lands, "that he and his people might live and not die." Sir Philip assented, informing Kreli that in consideration of the punishment he had already suffered and out of pity for him, he would be allowed to re-occupy the maritime portion of the country. The chief immediately accepted the offer with professions of much gratitude, and resumed possession of the land conceded to him, which he still occupies.

Sir Philip determined to offer the remaining portions (where he formerly had intended to place the European farmers) to some of the Tambookies of the Queen's Town district, and to the Gaikas, who were complaining of want of room and inconvenience in their location in British Kaffraria. The Tambookies accepted the offer, but the Gaikas declined it, saying that they thought it better to sit under the shadow of the English and pay their taxes than go into a country they knew not, when their chief might lead them into war with the Government. A number of the Fingoes, who crowded the districts of Peddie and Victoria East, were then invited to move into the territory, and they readily accepted the offer, carrying with them their flocks of cattle, sheep,

and goats, and other property. This transfer of these natives* from within the colony was finally carried out in 1866, and the territory now known as the Transkeian districts became peopled with several tribes, having no alliance with their other Kafir neighbours, and believed to be friendly and loyal to the British Government from a consciousness of benefits received and an appreciation of the peace and tranquility secured to them by its influence.

But the embarrassments which Sir Philip felt as High Commissioner left without resources to carry out a frontier policy affecting the welfare and safety of the whole country, were even less formidable than the difficulties he had to face as Governor of the Cape colony.

During the first five years of Parliamentary Government, affairs went rolling along upon a pleasantly progressive wave of prosperity. The public revenue, which in 1853 did not exceed £280,000, gradually increased each year, until in 1858 it was £460,000. This augmentation arose partly from an increase of customs duties agreed to in the opening session to meet the new expenditure then sanctioned. But it was chiefly contributed by the remarkable increase of commercial and agricultural wealth, flowing naturally from the sudden release of the country from the repressive influences of former protracted and devastating wars. The establishment of representative institutions also gave increased activity and confidence to the productive classes. The development of the resources of the colony was promoted by a liberal expenditure on public works, and by the extension to the more remote districts of conveniences and advantages, which previously had been limited to the neighbourhood of the metropolis.

* In carrying out these important changes, His Excellency said, "Every step was taken in consultation with and with the cordial co-operation of Mr. Southey, the Colonial Secretary, Mr. Graham, administering the government of British Kaffraria, Mr. Warner, Resident beyond the Kei, and Sir W. Currie, Commandant of the Frontier Police."

With the advancing revenue, however, the wants and expectations of the inhabitants fully kept pace, and in 1860 the greatly increased public charges rendered it necessary for the Government to submit for the consideration of the Legislature, how it should provide the "ways and means," either by increased taxation or by raising loans for carrying on public works.

The relations between the Government and the Parliament in regard to the supply of "ways and means," had all along been peculiar. At the opening of the first session in 1854, Lieutenant-Governor Darling announced that there was a sum of £85,000, accumulated in the Treasury as a balance or "rest," available for current expenditure; but it was afterwards found that this balance was liable to the charges of the concluding month of the previous year. In 1855, the deficiency occasioned by an expenditure incurred upon the basis of the £85,000 "rest," had to be made good, and a select Committee of the House of Assembly undertook the matter of equalising revenue and expenditure. The Government were disposed to leave the duty to the House, because none of the members of the Executive were representatives of the people, and it was a constitutional principle that matters of supply and taxation should originate with the people's representatives. The House, on the other hand, showed a disposition to leave the matter to the Government, as the members of the Executive had the means of obtaining information, and were, therefore, in a better position to suggest any changes or make any new proposals. The labours of the Committee of the House resulted in recommendations for the consolidation of offices and retrenchment, as the best way of making both ends meet. But before the close of the session, other propositions for expenditure were made by individual members, which left the finances much in the same position as before.

In a country just beginning to develop itself, it was natural enough that there should be a continual demand for new services, which the officers of Government could not refuse to satisfy.

The result was that year by year the expenditure increased, and in 1860, the Colonial Secretary, Mr. Rawson, came to the House with a statement of the actual necessity for taxation, and a proposal to levy a duty on the chief export of the colony—wool. This met with no favour. The House rejected the proposal, and by a large majority declared that if judiciously and economically managed, the existing revenue was sufficient for all general purposes; at the same time, it was suggested that means for checking unlimited demands for local works and improvements, should be devised on the principle of local self-taxation, with local management and control. But before the session closed loans for public works were sanctioned, and votes were again authorised in excess of the anticipated revenue. In 1861, matters were still more embarrassing. Mr. Southey, who was acting Colonial Secretary, announced that there was an empty treasury, a number of unauthorised loans incurred to meet an excess of expenditure, which there were no means of paying, and that in round numbers £200,000 was required to place the finances on a proper footing. He did not risk an adverse vote by suggesting any taxation, but took up the position that it was never intended by those who framed the Constitution, that any member of the Executive Council should take upon himself the duty of a Chancellor of the Exchequer, and that on the House of Assembly itself devolved the responsibility of making the necessary provision for the expenditure. The consequence was, Executive duties were transferred to Parliamentary Committees, who brought up a series of financial measures which provided, to a considerable extent, for paying off the liabilities of the Government and increasing the revenue; but many of them were thrown out in the Upper House. The Executive thus found itself in an awkward position. It was powerless to increase income, and powerless to exercise effective control over expenditure. The majority of the House, formed of men of every degree of politics —Easterns and Westerns, Conservatives and Radicals, Separa-

tionists and Anti-Separationists—who united together to prevent any change in the form of Government, once that object was attained, divided and scattered to the winds refusing, as a party, to support the Government of the day by passing their measures for equalising the revenue and expenditure.

This unsatisfactory state of affairs, arising out of the want of unity in action, and policy between the Legislature and the Executive, had long been foreseen. The advocates of representative institutions were sensible when the Constitution was granted, that its machinery was defective in this respect, but they rested satisfied that once it was put into operation, the defect would soon be felt, and opportunity would be taken of the power of reform it contained within itself to make the necessary alterations. The Privy Council, who had framed the scheme, withheld from the local executive officers the privilege of becoming members of either House, although they allowed them to have seats there and give information when asked. Their reason for doing so was an apprehension that such a step would necessarily entail "Party Government," which they considered the colony was not sufficiently advanced in wealth or population to manage. They held that, although the Cape of Good Hope could at that time supply its own Legislators, and enough of them for two Houses, it could not supply its own Ministers. The Parliament accordingly presented the anomaly of being composed entirely (with the exception of the President of the Legislative Council) of representatives, elected by the people and enjoying their confidence, while the administration was entrusted to officers appointed by the Home Government, no matter whether they worked in harmony with the Legislature or not, and the Imperial Government looked to the Governor alone as the responsible officer.

The experience of the first Session satisfied many members that a change to the British system of responsible Government was expedient and necessary. The House of Assembly, on a

motion brought forward in 1855, by one of the members for Port Elizabeth, Mr. Paterson, affirmed this principle. A Committee was then appointed, who reported upon the arrangements, which would be necessary to introduce the change. Time was asked and given to consider the measure maturely. In the following year, 1856, it met with opposition, and by a majority of 24 against 16 votes it was declared to be premature, against the feeling, and unsuited to the state of the country. In the second Parliament, in 1860, it was again brought forward by Mr. Molteno, in a resolution setting forth that as the tenure on which members of the Executive Council then held office, was incompatible with the satisfactory working of representative institutions, those officers should be qualified to sit as members in either House of Parliament, and shall hold office only as long as they possessed the confidence of the Legislature. The debate on this occasion was remarkable for the eloquent and powerful support given to the proposition by the Attorney-General, Mr. Porter. His colleague, the Colonial Secretary, Mr. Rawson (now Sir Rawson W. Rawson), adopted the same course, and expressed his strong conviction that the existing system of Government was wholly unsuited in theory, and most inconvenient in practice, and that the proposed change would be generally advantageous to the country. The motion, however, was negatived by a majority of 20 against 18. After this, for two or three years, the tide of public opinion continued to be against it; but its advocates felt that their final triumph was merely a matter of time; that sooner or later the change must come. "Representative institutions without responsibility," said Mr. Gibbon Wakefield, "is much like having a fire in a room with the chimney closed. The question is how long it may be tolerated; and that, of course, depends on the strength of the fire."

Another subject which interfered with the harmony of legislative business, and agitated the public mind was, that of separation, or

local self-government for the Eastern province.* At the time of the introduction of the Constitution a considerable number of the inhabitants of the eastern districts were opposed to it, because no concession was made to them on either of those points. Sir George Cathcart then conceived that the creation of a Lieutenant-Governance, and the appointment of a Judge and Solicitor-General, to reside at Graham's Town, would meet their requirements. In accordance with this plan, the Commander of the Forces was appointed Lieutenant-Governor, with Mr. Southey, who was intimately acquainted with frontier matters, as his secretary; and the divisions of Albany, Fort Beaufort, Cradock Victoria, Somerset, and Queen's Town, were named as the limits within which the Lieutenant-Governor, under deputed powers from the Governor, should have jurisdiction in executive matters, reporting the same weekly to Cape Town.

But the Parliament, when these measures were submitted for approval in 1855, declined to sanction them. In the following session, 1876, a motion for severance of all political union between the provinces was brought forward by Mr. Pote, and it was met with an amendment by Mr, Solomon, that whenever the Eastern province indicated a desire to have a separate and distinct government, it should be given upon terms fair and just to both provinces. In 1857, the battle was transferred to the Legislative Council, where the Hon. Mr. Godlonton brought forward a series of resolutions, declaring that the division of the colony into federative provinces for local and legislative purposes would be of great public advantage. The Council divided, and the six members elected by the Eastern province voted in favour of Mr. Godlonton's propositions, while the seven Western members voted against them. The minority (representing the Eastern province), shortly afterwards followed the course which the popular leaders

* It became habitual to talk of the Eastern Province, although, except for the Election of Members for the Legislative Council, according to the Constitution Ordinance, no such designation occurred in any other legal enactment.

of 1850 had taken in the old Council, and handed in their resignations as members—as a protest against the idea that the existing Constitution was suited to the wants of their constituents.

In 1861 again very decided efforts were made by the advocates of separation to force from Parliament a consent to their long-cherished desire. A league was formed, with an extensive organization, in all but two or three districts in the Eastern province, A convention of delegates from the various branches of the league met at Somerset East, and resolutions were then agreed to as the basis of a measure for the division of the colony into two distinct and separate governments. The Bill was introduced into the House of Assembly by Mr. Harries, one of the members for Cradock. Petitions in its favour, signed by 6000 persons, were presented. The debate on the subject extended over four days, and ended in the rejection of the Bill by a majority of 22 against 15. The league, still bent on the attainment of their object, transferred their operations to England, submitting memorials and representations to the Secretary of State, but there also their efforts were equally unsuccessful.

Under these circumstances, the task of devising a line of policy which would unite the several sections into which the colony appeared to be divided, was no easy one. But Sir Philip Wodehouse addressed himself to the work in an earnest hopeful spirit. He at first thought of solving the difficulty by the creation of a quassi-federal constitution, consisting of two local governments, east and west, with one central government-in-chief. Thus, by enabling each province to manage its own local affairs, he hoped to remove the real or supposed grievances which kept alive the demand for separation, while in the central Legislature he retained the substantial advantages of unity. He communicated these views to the Secretary of State, the Duke of Newcastle, who, in reply, intimated that the desire of Her Majesty's Government was to see the Eastern and Western provinces and Kaffraria welded into one harmonious whole; that he was therefore not pre-

pared to approve proposals involving the entire subversion of the Constitution of 1853, and giving an unnecessary and unadvisable prominence to separation; and he suggested that the federative plan of New Zealand, modified in some respects, might be well adapted to the circumstances of the Cape.

The federative plan, however, was abandoned. The Governor on his own responsibility proposed other remedial measures. To improve the relations of the administration with the Legislature, he informed the members of his Executive Council that it was his intention to take their advice on all matters to be submitted to Parliament, and he trusted by this means to arrive at an agreement as to the proper line to be taken on each, and thus to establish a claim to their united support in both Houses. To relieve the Eastern districts from the inconveniences and disabilities they complained of, he determined to avail himself of the discretion given him by the Constitution Ordinance, and to assemble the Legislature alternately in the eastern and western parts of the colony. And following upon this, he contemplated the appointment of judges, and the establishment of a high court in the Eastern districts. In the session of 1862, the proposal for alternate Parliaments was rejected, with other measures of the government. But before the close of the session of 1863, a resolution in its favour was passed by a majority of one in the House of Assembly, and His Excellency announced that the next Parliament would be opened at Graham's Town.

This step was regarded, particularly in Cape Town and the Western districts, as a blow at the supremacy of the old metropolis. In Graham's Town it was hailed as a concession to the Eastern province, which would greatly increase its power and influence. The Governor, however, declared he had done it with no desire whatever to set east against west, and with no view to the removal of the seat of government, but only to secure to the Executive Government a preponderance in the conduct of the Legislature

which would enable it to retrieve the finances and to maintain the public credit of the colony.

The session of 1864 amply justified his expectations. In its results, as far as the provision made for the public service was concerned, it fairly challenged comparison with any that had been held since the establishment of parliamentary institutions. Additional taxation to the extent of nearly £100,000 was agreed to. The custom duties were increased. Stamps, bank notes, and succession duties were imposed; the government were relieved of the cost of maintenance of roads, which was transferred to local bodies; leave was given to grant long leases of the crown lands; a loan was authorised to pay off floating debt and a sinking fund, for the ultimate liquidation of the colonial debt was created. At the same time a census of the colony was ordered to be taken, and an addition was made to the judicial establishment which gave a High Court to the Eastern districts.

One measure, however, excited much indignation amongst the mercantile community at the ports of the colony. At the opening of the Session, the Governor intimated his intention of proposing an increase of the duties on imports. It was then suggested in the Assembly that the English practice should be adopted of protecting the revenue immediately an increase of customs dues was determined upon, in order to prevent speculators withdrawing goods from the bonded warehouses at lower rates of duty. A resolution to this effect was carried, and acting upon it the Governor instructed the customs officers to require all persons paying customs on imported goods after that date to enter into a bond to pay such increased rates of duty as might be proposed by the Governor, and enacted by Parliament during the session. This indefinite liability was calculated to interfere most inconveniently with the ordinary course of business. Steps were taken to test the legality of the proceeding, as a resolution of either house had not the power of law. The Supreme Court was appealed to, to declare the order illegal. But before the Court had

time to pronounce a formal decision, Act No. 1 of 1864, "For the better protection of the customs revenue in certain cases," was hurriedly passed through all its stages in both houses, received the Governor's assent, and was transmitted by telegraph and promulgated in a "Gazette extraordinary" in Cape Town. The Act not only indemnified the Governor for what he had done, but it also provided that any suit or action instituted in any court against the customs officers, "either before or after" the taking effect of the Act, should be dismissed with costs. On the morning the Act was published, the Supreme Court met to give judgment in the case before them. The Chief Justice (Sir Sydney Bell), did not hesitate to declare the enactment "a tyrannical and unjust one." But the law had been passed, and the Court had no alternative but to enforce it.

During all this time (in 1864) no open proposals were put forward by the Governor respecting the object he had so much at heart—the annexation of British Kaffraria. The existence of a separate government in that country was inconvenient and embarrassing to him, but he felt it was out of his power to bring about its union through the colonial legislature. He therefore thought of cutting the Gordian knot, and overriding all opposition, by securing the action of the Imperial Parliament. In a despatch to the Secretary of State he urged that if an Imperial Act were passed for the junction of the two colonies, the anti-annexation agitation in British Kaffraria would come to an end, and the Cape Legislature would at once apply itself to regulating the terms on which the new territory should be admitted into the electoral representation. A few days after this despatch was written, a resolution in favour of annexation was proposed by a private member, and carried in the Legislative Council, after several of the Western members had left; and a similar resolution was only prevented from passing the Assembly through the persevering opposition and obstruction of a small minority of Westerns still remaining. The Council resolution gave His

Excellency an opportunity of again recommending Imperial action to the Secretary of State. "If Her Majesty's Government desire to unite the two colonies," he said, "it had better be done. If they do not desire it, a definite declaration to that effect would prevent further unprofitable discussion."

Mr. Cardwell agreed to act according to those recommendations, and at once to introduce a Bill into the Imperial Parliament. He wrote to Sir Philip:—"It seems to Her Majesty's Government that the Crown colony of British Kaffraria is in reality a part of the Cape colony, that it is necessarily subject to the same general conditions, that the taxes imposed by the Legislature of the Cape and the laws enacted by that Legislature must ordinarily apply to the inhabitants of the small district now existing as a Crown colony in its immediate neighbourhood. The Imperial Government, moreover, which maintains so large a force for the defence of the South African possessions of the Crown, has a fair right to insist on an arrangement being terminated which renders the defence of the Cape colony dependent on that of a small territory of the Crown interposed between the Cape colony and the principal Kafir tribes. It appears to them therefore desirable that the division between the two colonies should no longer exist."

The first intimation the colonists had of this intention was early in 1865. The Annexation Bill had then been introduced and passed through the House of Commons, and actually become law—although it contained a provision that the Cape Parliament might, if so disposed, pass another enactment, arranging details, before it came into operation. The proceeding was naturally regarded as a violation of constitutional rights. The omnipotence of the Imperial Parliament over this as over every part of the empire was not disputed, but it was questioned whether imperial legislation was justifiable under the circumstances—especially as the colonists had not been made aware that such a grave step had been contemplated by the Governor or the Secretary of State,

and were therefore unable to have their views made known in the Imperial Parliament before the bill was passed; and, further, because the measure itself burthened the revenue of the colony (although possessing representative institutions), not only with the responsibilities of the government of Kaffraria, but also with its debts and obligations, without the sanction of the Colonial Legislature. The action of the Governor himself was universally disapproved of. It was felt that instead of working in harmony with the colonists, and carrying out his objects through the slow processes of constitutional government, he had been working out his scheme secretly, and utterly regardless of the opinions and desires of the inhabitants.

The political situation was by no means agreeable when the session of 1865 opened. It was convened in Cape Town. The expectations of the East were thus disappointed, and its press no longer sang the praises of Sir Philip "the Just," but indulged in adverse criticisms of Sir Philip "the Juggler." The West, meanwhile, was indignant at the slight cast upon the representative institutions of the colony. Mr. Solomon, member for Cape Town, brought forward a string of resolutions, which, with a few amendments, were passed by the House of Assembly, protesting against the action of Her Majesty's Government, and amounting to a censure of the Governor for having suggested Imperial legislation. Some advocated an adjournment of the Parliament for a sufficient time to allow of remonstrance being addressed to the Secretary of State to have the arbitrary Imperial Act cancelled, and to leave the question of the incorporation of British Kaffraria to be dealt with in the colony. But the Annexation Bill was already law, and held *in terrorem* over them; and the Legislature had to choose between arranging the details according to its own mind, or allowing the Act to come into operation as issued from Downing-street. Two bills were sent down to the Assembly by the Governor—one for giving colonial assent to the annexation, another for increasing the number of members of Parliament—giving four members

to British Kaffraria, and an equal number of additional representatives to the western districts. By an order of the House these bills were incorporated in one.

Then commenced a struggle of parties—the Eastern members demanding equality of representation, the Westerns refusing it, apprehensive that ulterior measures, such as removal of the seat of government, or separation might follow. The Easterns pleaded their superiority in increased territory and population, in stock, and property. The Westerns, on the other hand, dwelt on their more numerous European population, the superior culture of the masses of their people, and their large fixed property and capital. For three weary months the contest lasted. The Easterns, adopting obstructive tactics, endeavoured by divisions and count-outs to throw out the Incorporated Bill, so that the Imperial Bill would come into force, by which the balance of representation would be largely in their favour. But the Westerns doggedly held their own in defence of their privileges,—whenever by any circumstance the bill dropped off the "orders of the day" they moved it on again, and so maintained their position. The result was inevitable. The Easterns away from their homes and business could not afford to give an indefinitely protracted devotion to parliamentary duties; and, as their numbers diminished, they gave up the battle, leaving the House in a body, when the Bill passed through its final stages. Never in any Legislative Assembly had the policy of obstruction by a minority been carried on so determinedly as on this occasion, but it was conclusively proved to be an unwise as well as an undignified mode of procedure.

The session of 1865, which commenced on the 27th April, closed only on the 10th October, having lasted over six months. The Governor, in his prorogation speech, took credit to himself for what he had done, notwithstanding the dissatisfaction of the country and its Legislature. "I have been," he said, "a spectator of the persevering industry with which, almost from the day on which the resolutions of the House of Assembly were passed,

the Parliament has been establishing my justification. I have watched the fruitless struggles to obtain the introduction of the Imperial Act, made by many of those who had so strongly denounced it. I have seen faint attempts on the part of individual members to restore harmony, result only in renewed divisions; and, at last, I have seen the Bills of the Government carried unaltered. These occurrences go very far to prove that I took a correct measure of the political situation; that if I had neglected my duty, British Kaffraria would not have been annexed, that the constituencies entitled to representation would not have obtained it, and that the Legislative Council would not have been beneficially enlarged, if I had shrunk from calling in the aid of the power which the Constitution placed within my reach."

But Sir Philip afterwards, before his departure from the colony, frankly and unreservedly admitted that he had strained to the utmost the powers vested in him by the Constitution, and had done violence to the feelings of those who attached a high value to their parliamentary privileges. His justification was, the difficulty—almost impossibility, of conducting the administration as it stood, and the conviction that although the measure was generally admitted to be sound and desirable, party influence in the Legislature might have indefinitely postponed its accomplishment.

Throughout this period of political strife the colony suffered from a succession of misfortunes. Adverse seasons and long-prevailing drought had led to enormous losses of sheep and cattle. The *oidium* was devastating the vineyards, and materially reducing the yield of the wine-farms; added to which, Mr. Cobden's French commercial treaty, and Mr. Gladstone's alcoholisation scale of import duty, closed the English market to the trade. The war between the Orange Free State and the Basutos also disastrously affected colonial business. Mercantile failures ensued, and very general distress prevailed. The

condition of the unemployed working-class was such as to necessitate steps to be taken for their relief, and the Governor, on his own responsibility, ordered a portion of the proposed railway, from Cape Town to Worcester, through Tulbaigh Kloof, to be proceeded with, until the decision of Parliament as to the prosecution of railway works generally could be obtained. When the Parliament was on the eve of separating, the works were ordered to be discontinued, and the engagements of the staff of the colonial engineer to be terminated. From these and other causes a number of operatives were thus again thrown out of employ, and disposed to leave the colony. With a view to retain them and relieve their distress, the Governor was urged at the close of 1865 to adopt some measures calculated to meet the emergency; but His Excellency declined to take any further responsibilities in that direction without the approval of the Legislature. To a deputation which waited upon him, he freely discoursed upon his position, confessing that he felt upon all sides a want of confidence in his administration; that condemnation of the Government, or of himself, was the only bond of cohesion of parties, and under such circumstances he considered it would be unbecoming and presumptuous, if he took upon himself to raise an unauthorised loan, to be expended on works about which one half of Parliament would differ from the remainder.

Matters were in no way improved when the session of 1866 opened. The Parliament was then strengthened by the addition of representatives from the new constituencies, created by the Kaffrarian Annexation Act. The House of Assembly was increased from 46 to 66 members, and the Legislative Council from 15 to 21. The *personnel* of the Executive Government was slightly changed. Mr. Porter had, a year before, retired from the office of Attorney-General, receiving through both Houses of the Legislature the unanimous thanks of the colony, and a pension equal to the full salary of his office for the re-

mainder of his life, in recognition of the great and important services rendered by him to the country, during his long and useful career extending over twenty-six years. Mr. Griffiths was appointed his successor. Mr. Southey filled the office of Colonial Secretary, which he had held since 1864. Mr. Davidson was Treasurer-General, and Mr. Cole, Auditor-General.

The Government unfortunately had to present a miserable picture of the financial position. The charges for the service of the past year had exceeded the public income by near £90,000, and the prospect for the current year was equally unfavourable. To meet this the Executive came before Parliament, with a proposal for an addition of £200,000 to the public debt by Treasury Bills running for a term of five years, and the imposition of an export duty on all produce shipped from the colony for a similar limited period. There had been a general expectation abroad that, instead of this, a comprehensive scheme of retrenchment would have been submitted. Administrative reform and economy of the public expenditure was the cry of the public and the press; the cry was echoed in the House of Assembly, and a select committee was appointed to enquire into and report upon the subject. The labours of the members of the committee were most extended and exhaustive, and they brought up a report upon the public accounts, setting forth that sufficient care had not been taken in presence of a most remarkable increase, under every head of expense to regulate the same in proportion to the smaller relative increase in the public revenue; that there was an unnecessary complication and want of simplicity in the conduct of public business, and that large savings might be looked for from re-arrangements, and organic changes in the carrying out of the service. The Governor, on being made acquainted with their views, assured the House of his readiness to give the retrenchment proposals of the committee his best consideration. "Some of the propositions," he said, "affect most important branches of the administration. In dealing with

them the Government is bound, as far as in it lies, to act on its own convictions of what is just and desirable. If, unfortunately, those convictions, and equally the measures for the restoration of the finances (which will still be necessary) should not coincide with the views of Parliament, the remedy is probably to be found, not in casting blame on the Government for entertaining such opinions, but in dispassionate consideration whether the time has arrived for introducing a system of Government, dependent on the support of a majority in Parliament, by means of which all the colonial establishments and arrangements could be brought into a condition, acceptable to the colonial representatives."

Beyond the authorization of a loan, and the adoption of a number of retrenchment resolutions, little business was done during the session, and at its close Sir Philip did not conceal his disappointment, and regret that it had been so unproductive of good measures. The antagonism between the Executive and the Parliament was even more marked in the following year. The Government then stated the extent to which it was prepared to retrench; but intimated that with every desire to economise, there would still be a deficiency which it proposed to provide for by the disagreeable export tax. At the same time a recommendation was put forth, exclusively on the responsibility of the Governor and his Executive, for an alteration of the constitution of the Legislature—namely, the substitution for the existing Parliament of a single Legislative chamber of eighteen members, representing six electoral circles, and three Government officers. "With such a body," His Excellency said, "there would be no difficulty in convening it at either end of the colony, as the public necessities might dictate." The scheme, however, was not pressed; it was thought unadvisable to work so organic a change without the country having time to consider it.

Following upon this the advocates of responsible government in the House of Assembly, again brought forward a motion for a change in the direction of bringing the representative institu-

tions of the colony, to their legitimate result. Since the subject had been previously discussed, the colony had been warned by Lord Carnarvon, of the Imperial policy for the gradual withdrawal of the troops, and that the country must arrange for its own defence. This took away a strong argument, formerly advanced against the colony, taking the entire responsibility of Government in its hands; but a portion of the Eastern members still considered that their interests would suffer by the change —and, by a coalition between them and the old conservatives of the West, the introduction of responsible government was negatived by 29 against 22 votes in its favour.

The unsatisfactory relations between the Executive and the Legislature were thus prolonged. But the final struggle for ascendancy came at last. At the opening of the first session of the fourth Parliament in 1869, the Governor again called attention to the condition of the colonial finances, and pointed out the desirableness of increasing the revenue by £50,000 a year, recommending that this sum should be raised by a tax of threepence in the pound on all incomes, and on the annual value of all immovable property. The proposal was rejected. The House of Assembly, without a division, expressed its opinion that the equalization of revenue and expenditure should be brought about by retrenchment upon an extensive scale, and called upon the executive government to devise and propose such a scheme as early as practicable.

The Governor responded with a "scheme" more sweeping and comprehensive than any of the members had dreamt of. He renewed the proposal previously made by him for abolishing the two existing Houses of Parliament, and substituting a single House consisting of only 12 members and 3 executive officers; and as a further measure of economy, to meet the views of the House, he suggested the abolition of fourteen fiscal divisions, the withdrawal of grants to several public institutions and other reductions. In an accompanying message he gave expression to

the opinions which seven consecutive year's service in the colony had enabled him to form of the parliamentary system. "The Governor," he said, "cannot perceive in the constituencies any just appreciation of the functions of Parliament, or of the mode in which their representatives should discharge their duties. Unless it be for the attainment of some purely local object, or to force on some piece of legislature coveted by a particular section, they do not appear to expect of them any active line of conduct, any real attempt to impress upon the Government the adoption of well-reasoned measures with which they should be prepared to give it an intelligent and cordial support."

The members of the Assembly realised the application of the scripture parable. They had asked for a fish and the governor had given them a serpent. Some thought that as they could not get the fish they should take the serpent, but extract the poison from it. Those who favoured the plan of one Legislative chamber in opposition to the bi-cameral principle, were willing to agree to a second reading of the Constitution Amendment Bill, with the view of altering it in committee by enlarging the number of members, and so making a good measure of it. But the friends of representative institutions gave their unqualified opposition to the proposal. Mr. Gordon Sprigg, a representative of the division of East London, denounced the bill as an affront to the members of the House and to the people of the country, and moved its second reading on that day six months. The House, after a brief debate, endorsed his view by a majority of 39 ayes against 22 noes.

The House then adopted a series of resolutions as a reply to the Governor's message. It expressed its disappointment at the scheme of retrenchment submitted. It regretted to find the Governor holding such erroneous opinions as he had stated regarding the people of the colony and their representatives, and asserted that the fact of such views being entertained by the Government had much to do in bringing about the existing un-

satisfactory state of things. It set forth its objections to the abolition of the fiscal divisions; and indicated various directions in which retrenchment could be carried out without any sacrifice of establishments really necessary for the progress and welfare of the colony. It also insisted on a temporary reduction of from 5 to 15 per cent. on the salaries of civil servants, on the ground that each officer of government would thus see that there was a settled determination on the part of the Legislature to reduce the public expenditure, and that it was his duty and interest to render all possible assistance in that direction.

The resolutions were moved by Mr. Molteno, member for Beaufort West, who throughout this struggle became the acknowledged leader of the House. He held that the country could be governed much more cheaply than it was; that to put the government in further funds would only lead to further irresponsible and unprofitable expenditure; and, that at this crisis, it was the bounden duty of the Executive to carry on the administration according to the wishes of the people expressed through their representatives.

After much controversy, the Government declared that it was prepared to adopt all practical measures for reduction of expenditure, but some of those proposed by the House it regarded as so objectionable in principle that it declined to render assistance in carrying them out; and, if they were to be enforced, bills to give them effect must be introduced and passed by members themselves.

Matters threatened to come to a deadlock. The House would do nothing the Government proposed, and the Government would do nothing the House proposed. The Governor, at last, sent down a bill for three month's supply on the basis of the past estimates, intimating that Parliament would be called together again at an early period of the ensuing year. Mr. Molteno and his supporters insisted on the bill being amended in accordance with the retrenchment resolutions. A compromise was en-

deavoured to be effected by Mr. Porter, who had been returned as a member of the House by the City of Cape Town. He urged that the vote asked for by the Governor should be agreed to, but qualified by a resolution that it was granted in its entirety for the purpose of averting the evils which would attend any effort of the House, at that late period of the session, to make any reduction, in the face of the persistent opposition of the Government. While the discussion on the Approbation Bill was going on, proceedings were abruptly stopped. The Governor resolved to dissolve the House of Assembly, and make an appeal to the constituencies on the measures which had been discussed during the session, and on the principle upon which the Government of the colony ought for the future to be conducted.

The issue put before the country at the elections was—whether the Legislature should be so modified as to afford the Executive a prospect of obtaining more influence, or whether the colony should be brought under "responsible government." Sir Philip's own convictions were strongly against the latter system, which he regarded as unsuited to any dependency, and likely to work great mischief to the colony. His Executive council concurred with him. Some time before the elections took place the Government bill was published, "for the amendment of the Constitution,"—which provided for a Legislative council of 36 members, four of whom should be officials, and the remaining 32 elected members. The appeal to the constituencies aroused an unusual amount of political life and excitement. But the reactionary policy of the Government did not find favour; and when the new House of Assembly met, in 1870, it was found that a good majority were determined not to surrender the political privileges of the colony.

In the meanwhile Sir Philip had addressed the Secretary of State, and asked for an expression of the opinion of Her Majesty's advisers as to the general policy to be followed. Earl Granville was at the Colonial Office, and replied that although he was

ready to give His Excellency every opportunity of pushing his views, he had no anticipation of his being able to carry them; and that the policy which would be enjoined on his successor would be to point out to the colonists that the existing constitution was an inadequate and transitional one, and that a change one way or other was inevitable.

When the Parliament assembled in February, 1870, the Governor's Bill was at once brought forward, and advocated with all the ability and influence which the Executive officers and their supporters could command. Mr. P. Watermeyer, a colonist bred and born, moved its rejection; and following him in condemnation of the measure, were such members as Mr. Solomon, Mr. Ziervogel, Mr. Molteno, Mr. Pearson, and also Mr. Porter, who, had the Government bill then passed, might have said as his countryman Grattan said of the Irish constitution, "I have sat by its cradle and followed its bier." After a four days' spirited debate the motion for a second reading was negatived by a majority of 34 against 26 votes. This question being thus definitely settled, the Assembly proceeded to make provision for passing a house-tax for an increase of the revenue, sufficient to defray the charges of the year.

Sir Philip Wodehouse prepared to lay down the reins of office as soon as the session was ended. Addressing the Parliament he said "I am about to leave this colony in which I have resided so many years, at a very critical period in its history, and when it is apparently on the eve of very important changes in its political condition. I have never been a colonist in the ordinary acceptation of the term, but I have all my life been a colonial servant of the British Crown. All my sympathies are enlisted in the close connection of the colonies with England, and the movements now taking place towards the dissolution of those ties are to me most unwelcome." Sentences such as these furnish the key to the want of harmony and cordial co-operation between the Governor and the governed which marked His Excellency's

administration. The new political order in the colonies appeared to him to involve a severance from the parent state. He could not see eye to eye with the liberal government of the day, that just in proportion to the completeness of the concession of self-government in the various possessions of the empire, their attachment and devotion to the mother country had been strengthened and developed. In the performance of his official duties, Sir Philip had laboured most conscientiously and earnestly according to his views; but none knew better than himself that he had not fashioned his work to the popular taste; and he closed his speech to the members of the Legislature with these words, "I am sensible that during the period for which we have been jointly engaged in conducting the business of the country, serious differences have on some occasions existed between us. For any that I may have unadvisedly or unnecessarily created, I hope you will accept my assurance of regret. And I must earnestly pray that your deliberations in future years may be productive of great benefit to all those whose affairs it may be your lot to regulate and control."

A remarkable change in the fortunes of the colony occurred at this period. Some portion of the mineral wealth of South Africa was unexpectedly unfolded to view. In 1867, Mr. Southey, the Colonial Secretary, had laid upon the table of the House of Assembly a diamond, said to have been discovered near the Orange River. The stone had passed through many hands before its value was suspected. It had orginally been the plaything of the children of a poor farmer living near the Orange River, in the district of Hope Town, who had picked it up with other pebbles, —quartz crystals, agates, jasper and chalcedony, common enough in that locality. A neighbour happened to see the stone, and its brilliancy attracted his notice. He gave it to a trader, Mr. O'Reilly, who sent it on to Graham's Town in order to ascertain what it was. Dr. W. G. Atherstone pronounced it to be a diamond of the first water, and his judgment was confirmed by that of

Messrs. Garrard, the Queen's jewellers, in London. Even when it was thus declared to be a diamond, doubts were thrown on its origin; and the existence of rough diamonds in the country was so generally discredited that nothing like an organised or systematic search was made for them for some time afterwards. In 1870 an exploring party, chiefly composed of officers of Her Majesty's 20th Regiment, then stationed at Natal, and another of Cape colonists from King William's Town, proceeded to dig and wash the alluvial drift along the banks of the Vaal River. They soon found numbers of diamonds, and their success brought numerous other parties, from the Colonies and the Republics, as well as from abroad. Lieutenant-General Hay, who for six months after the departure of Sir P. E. Wodehouse was Acting Governor and High Commissioner, then took steps with the advice of his Executive Council for the appointment of a British magistrate at these Diamond Fields, for the preservation of peace and order, until pending disputes as to the rights of the Griquas, or of the Border Republics (the Orange Free State and the Transvaal) to the territory were settled.

The success of the diamond seekers, combined with favourable seasons in the colony, gave an impetus to every branch of industry, and wonderfully revived the prosperity of the agricultural and pastoral classes; producing such beneficial effects, that before the close of the year, the public revenue, which previously had always exhibited a deficit, shewed a handsome surplus.

The new Governor accordingly entered upon his administration under auspicious circumstances. The choice of the Secretary of State, Earl Kimberley, had fallen upon Sir Henry Barkly, who, during a long colonial administration had earned the character of being "a singularly judicious Governor." Prior to leaving England he had been informed of the principal questions of colonial policy he would have to deal with. It was intimated to him that Her Majesty's Government did not greatly regret the non-acceptance of Sir P. Wodehouse's policy, and that it was of opinion the

colonists would act wisely in adopting to the full the principles of self-government which prevailed in Australia and British North America. Sir Henry Barkly's own impressions with regard to the working of responsible government, derived from his experience in Victoria, were decidedly favourable, and he was prepared, if the obstacles to its success among the South African colonists were not insuperable, to direct his most strenuous efforts to secure its adoption.

On the first occasion of his meeting the colonial Parliament, His Excellency was careful not to express any very decided opinion of his own as to the direction the necessary reform of the Constitution should take. He was content with a suggestive reference to the anomalous relations of the Executive and the Legislature, and awaited the result of their deliberations. A motion was soon brought forward by Mr. Molteno, in the House of Assembly, declaring that the time had come for the introduction of responsible government; and that as a federate union was deemed to be expedient, a Government commission should be appointed to enquire as to the arrangements necessary for its introduction. After a debate extending over seven daily sittings, this resolution was carried by 31 against 26 votes. The Governor was then asked to introduce a Bill in accordance with the views of the majority, and to appoint a commission on Federation as they desired. With regard to the preparation of the bill he was placed in some difficulty. The Attorney-General, Mr. Griffith, intimated his willingness to follow any instructions His Excellency might give him, but he deprecated being called upon to frame a measure the policy of which he conscientiously disapproved and the provisions of which might be viewed with distrust if they were known to emanate from him. Mr. Porter's aid was then sought, and a draft prepared by him was adopted by the Governor, and forwarded by message to the Assembly. Its second reading there was carried by an absolute majority of 34 to 27 votes. But when it reached the Legislative Council, that body, in the exercise of its

legitimate functions as a conservative check, rejected it in a full house by 12 to 9 votes.

At the opening of the following Session of 1872, Sir Henry Barkly announced that he was authorised and instructed by Her Majesty's Government to re-introduce the Bill. He saw no chance of making progress with other measures until this question of constitutional reform was settled. He therefore recommended its adoption, expressing his conviction of the thorough fitness of the colonists to be entrusted with the entire management of their own affairs. The second reading was moved in the Assembly by Mr. Jacobs, the Solicitor-General, who, in the absence of Mr. Griffith, was appointed acting Attorney-General. No other member of the Executive supported the measure: they had previously, individually and collectively, communicated to the Home Government, in a lengthy minute, their conscientious convictions against it. The opposition to the bill was led by Mr. Eustace, and vigorously sustained during a debate of five days, but, notwithstanding, the second reading was carried by 35 to 25 votes.

The fate of the bill in the Upper House was still somewhat doubtful. The Council had not been dissolved when Sir P. Wodehouse sent the House of Assembly to the constituencies, and some of the members felt themselves fettered by the hustings pledge they had given in 1868. One of them (Mr. Fleming), representing the eastern districts, whose opinions had altered in favour of the change in 1871, resigned his seat, and offered himself for re-election, and a gentleman of Anti-Responsible views was returned to fill his place. But, meanwhile, two of the western members (Dr. Hiddingh and Mr. de Roubaix), influenced by the pressure of direct appeals made to them by a number of their supporters, intimated their intention not to offer any further opposition to the settlement of the long-pending question. The transfer of these two votes in support of the bill enabled the government to carry the second reading by a majority of 11 to 10. This narrow division led to a renewed struggle on the part of the

minority to obstruct the passing of the bill in its subsequent course through committee; but at length, after some twenty divisions, the bill reached its final stage, and was read a third time.

The manner in which the measure passed the Legislative Council by such a bare majority, gave occasion for remonstrances and protests on the part of its opponents, who petitioned the Queen to withhold the Royal assent until the constituencies of the colony had again an opportunity of declaring their opinions. The Governor, however, congratulated himself that he had been spared the necessity of such another appeal to the country. Writing to the Secretary of State, he said: "It would certainly have involved a strange not to say absurd anomaly if I had been compelled by the refusal of the Council to concur, to send the members of the Assembly composing steady majorities, thrice repeated, back to their constituencies, when they had really been voting in accordance with the views which Her Majesty's Government consider most beneficial for both Imperial and colonial interests, and for a measure which I myself am firmly persuaded offers the only chance of healing the differences which for almost half-a-century have prevailed between the east and west by paving the way for a re-distribution of representation among the different districts, extending to them the greater powers of self-government, which are so urgently needed, and eventually of establishing a system of Federal Union in which all the provinces of South Africa shall be sooner or later embraced."

The Queen's advisers received with satisfaction the announcement of the passing of the measure, and an order in Council, declaring Her Majesty's assent to the "Act No. 1 of 1872," under which responsible government has been established in the colony, was at once issued.

The new Constitution was proclaimed on the 29th November, 1872. The Governor had some weeks previously taken steps for its inauguration. He at first invited the chief of the old Executive

to form a Ministry, but Mr. Southey declined, stating that he saw no prospect at that time of securing a majority in the House of Assembly in support of such a policy as he would have felt bound consistently and conscientiously as Prime Minister to pursue. Mr. Porter, as the author of the Responsible Act, was then asked to form an administration. He also declined on the score of age and infirm health; but recommended that Messrs. Solomon and Molteno, who had co-operated with him in carrying the measure, should be requested to undertake the duty conjointly. Mr. Solomon, however, expressed his disinclination to enter office then, especially without Mr. Porter. The task was therefore urged upon and undertaken by Mr. Molteno alone; and the construction and *personnel* of his first Cabinet were thus described to the Secretary of State by Sir H. Barkly:—"Retaining the office of Colonial Secretary for himself, Mr. Molteno proposed that that of Treasurer should devolve upon the Honourable Dr. White, M.L.C.; that of Attorney-General upon Mr. J. H. de Villiers, M.L.A.; that of Commissioner of Crown Lands and Public Works on Mr. C. A. Smith, M.L.A.; and that of Secretary for Native Affairs upon Mr. Charles Brownlee, who consented to resign the Civil Commissionership of King Williams Town in order to accept the post. Mr. D. Villiers and Dr. White have, like Mr. Molteno himself, long advocated responsible government; Mr. Smith, one of its leading opponents on the ground of the change being premature, now seeks to make the best of it as an accomplished fact, whilst Mr. Brownlee, who has not hitherto taken any part in politics, is well known to be a man of ability, and better acquainted with the language and customs of the natives on the eastern frontier than any one else in the colony."

The transition from the one system of administration to the other took place so imperceptibly as to be almost unnoticed. The change,—now that the agitation and excitement of the long-sustained conflict were at an end,—was at once loyally accepted by all parties and sections in the country. The defects of the former

constitution were universally acknowledged, and beneficial results were hoped for from the working of the new political order, which gave Cape colonists the full concession of "self-government,"—enabling the majority of the people through their representatives in the Legislature, should they be dissatisfied with the administration of public affairs, to obtain at once a change of men and measures.

The Ministers forming the Cabinet, when installed, retain office until they find that they are unable to secure in Parliament the requisite support of their policy,—or the Governor deems it his duty to act on important questions in opposition to their policy and advice,—when they give place to others, in analogy with the practice prevailing in the United Kingdom.

"By the adoption of this principle,"—says Sir Thomas Erskine May, in his admirable History of Constitutional Government,—"a colonial constitution has become the very image and reflection of Parliamentary government in England. The Governor, like the sovereign he represents, holds himself aloof from and superior to parties; and governs through constitutional advisers, who have acquired an ascendancy in the Legislature. He leaves contending parties to fight out their own battles, and by admitting the stronger party to his councils brings the Executive authority into harmony with popular sentiments. And as the recognition of this doctrine in England has practically transferred the supreme authority of the State from the Crown to Parliament and the people—so in the colonies has it wrested from the Governor and the parent state the direction of colonial affairs. And, again, as the Crown has gained in ease and popularity what it has lost in power—so has the mother country in accepting to the full the principles of local self-government, established the closest relations of amity and confidence between herself and the colonies."

While the gifts of representative and responsible government have thus been conceded to the colony, the Crown has still the prerogative of appointing its own Governors, and of exercising a

veto on all legislation; it also remains the supreme fountain of justice, to which ultimate appeals from the judicatures of the colony are preferred; and the Imperial Parliament holds its indisputable omnipotence over all parts of the Empire. The Crown, however, exercises no control over any public officer, except the Governor, the Lieutenant-Governor, and the officers commanding the military and naval forces. The direction of internal affairs, the management of departments, and the appointment to all public offices, rest with the Ministers forming the Executive Council.

It would be trenching on the region of contemporary politics to continue our narrative further, or to review in any form the history of the Cape colony under the first Responsible Ministry, who still guide the administration of public affairs. But we may be permitted briefly to note some circumstances which have marked the opening years of the new era upon which the country has now entered.

The settlement of Constitutional Reform by Act No. 1 of 1872, brought other questions, which had long previously been agitated and debated, to the goal of legislative decision. The equalization of the representation of the so-called eastern and western districts was unanimously acquiesced in by the Wodehouse Representation Act of 1872. The freedom of testamentary disposition was secured by the Law of Inheritance Bill of 1874, which, without interfering with the Roman Dutch law of community, or the laws of inheritance, *ab intestato*, enables all persons competent to make a will to devise their property as they may think best. And the abolition of State-aid to religious bodies,—persistently advocated by Mr. Solomon, as the champion of "Voluntaryism," for nearly twenty years,—was finally settled by the Ecclesiastical Grants Bill of 1875, which made provision for the continuance of existing stipends during the lifetime of present incumbents, and to their

successors for a period of five years, thus gradually effecting the total disconnection of the Churches and the State.

One of the first subjects which forced itself upon the attention of the new government after entering office, was the relations of the colony with adjacent communities. Complications had arisen between the Governor, in his capacity of High Commissioner, and the Republics of the Orange Free State and the Transvaal, chiefly respecting territorial questions connected with the proclamation of British Sovereignty over Griqualand West; and it was deemed advisable that all matters appertaining thereto should be kept clear and distinct from the colonial administration. The state of affairs on the Kaffrarian Border were regarded differently. Disturbances had occurred there between the Kafirs and Tembus which excited apprehensions as to the safety of the eastern frontier, and it was considered that the influence and power of the colonial government should be gradually extended over the tribes between the colony and Natal, with a view to the permanent security of life and property, and the gradual spread of civilization. In pursuance of this policy, magistrates were appointed, under the Department of Native Affairs, to reside in the St. John's River Territory. Their presence in the heart of Independent Kafirland had a salutary effect, and soon tended to put a stop to the petty wars, and to check many of the revolting heathen practices which were wont to prevail. Some of the tribes, seeing the advantages of the authority exercised by the magistrates, made application for the extension of British sovereignty over them. To give effect to this desire for participation in the advantages of colonial rule, the Government submitted resolutions, which were passed by Parliament, for the formal incorporation of the territories of Griqualand East (Adam Kok's settlement), Fingoland, the Idutywa Reserve and Tembuland; but the legal measures for the completion of this Act of Annexation await the necessary issue of Her Majesty's Order in Council.

An alteration in the mode of electing members of the Legisla-

tive council was another matter on which the Ministry at once declared their policy. The subject had been mooted in 1872, when the House of Assembly agreed to a resolution in favour of the change. It was considered desirable to do away with the distinctions of eastern and western provinces, and at the same time to render the Council more thoroughly representative of all parts of the colony. Accordingly a bill was submitted altering the Constitution Ordinance, and dividing the colony into seven electoral provinces, each returning three members to the Council. It passed the Assembly, but was rejected in the Legislative Council on a point of breach of privilege. Ministers then advised a dissolution of both houses; and on the assembling of the New Parliament, in 1874, the Seven Circles Bill was passed. Under its provisions the following are the respective constituencies returning members to the Upper Chamber:—

1. The western electoral province, consisting of the electoral divisions of Cape Town, Cape Division, Stellenbosch, and Paarl.
2. The north-western electoral province, consisting of the electoral divisions of Worcester, Malmesbury, Piquetberg, Namaqualand, and Clanwilliam.
3. The south-western electoral province, consisting of the electoral divisions of Swellendam, Caledon, Riversdale, Oudtshoorn, and George.
4. The midland electoral province, consisting of the electoral divisions of Graaff-Reinet, Richmond, Beaufort West and Victoria West.
5. The south-eastern electoral province shall consist of the electoral divisions of Port Elizabeth, Uitenhage, Graham's Town, Albany, and Victoria East.
6. The north-eastern electoral province, consisting of the electoral divisions of Somerset East, Fort Beaufort, Cradock, Colesberg, and Albert.

7. The eastern electoral province, consisting of the electoral divisions of King William's Town, East London, Queen's Town, Aliwal North, and Wodehouse.

No other immediate constitutional change was proposed. The report of the Federation Commission, submitting a bill for the establishment of three provincial governments in the colony, had been laid before Parliament in 1872, but it was not taken up, the cabinet being of opinion "that sufficient time should be allowed to test the working of the new form of government, and also to enable the different constituencies to consider fully the still larger and more important questions of Provincial Government and Federation."

The special work to which the new administration applied its energies was the elaboration of measures designed for the development of the internal resources of the country at large. Mr. Molteno and his colleagues were singularly fortunate in the possession of the means and the opportunity of initiating this progressive policy which the colony, in its sudden rebound from long-continued depression and stagnation to unprecedented activity and prosperity, eagerly desired. Each successive year shewed a large augmentation of the public revenue; and a surplus of nearly a million sterling was available to be expended on reproductive undertakings.

Acts passed in 1872 for the purchase of the Cape Town and Wellington Railway, and the Telegraphs from the English companies, who had originally constructed them, under a colonial guarantee, paved the way for the management of these works passing into the hands of the government, by whom they might be indefinitely extended and increased. In 1873, surveys of new lines were proceeded with as rapidly as engineers could be engaged. And in 1874, bills were introduced into and passed by Parliament for the construction of railways in different directions, extending in the aggregate over 800 miles, and involving an

estimated total outlay of £5,000,000. One of these lines will unite Cape Town and Beaufort West and the pastoral districts to the north-west; another from Port Elizabeth will radiate to Graaff Reinet on one hand, and Cradock and Graham's Town on the other; while a third will proceed from the port of East London through the rich and densely-populated parts of Kaffraria to Queen's Town, the centre of the north-east border districts. At the same time, the electric telegraph was authorised to be carried to almost every inland town, to the diamond fields, the Free State and Natal. Bridges over the Orange River and other streams were ordered to be constructed. Harbour improvements were also sanctioned. And to provide skilled labour for executing these various extensive undertakings, an aided system of emigration from England was established, while arrangements were made for securing mere unskilled labourers from the crowded kraals of the native tribes along the border.

The financial prosperity of the country during this time surpassed that of any antecedent period. From 1870, the public revenue, without any additional taxation and notwithstanding some reductions, showed an uninterrupted annual increase. In 1871, it was £734,062, exceeding that of the previous year by £73,720. In 1872 it was £1,039,886. In 1873 it rose to £1,213,755. In 1874 it made another advance, and was upwards of £1,500,000. In 1875 a still larger total was realized, namely, £1,602,918, leaving a surplus over the expenditure of that year of £588,000, and, according to the latest valuations, the estimate of the value of the fixed property in the colony for taxation purposes, is £22,000,000.

"The complete restoration of the colony to prosperity," Sir Henry Barkly has candidly remarked, "took place by a sort of poetic justice, under the old *régime*, which had struggled so hard to guide it safely through its long period of adversity; but the change, nevertheless, did not come an hour too soon to admit of full advantage being taken of the happier circumstances of its

present position. Experience of the new system thus inaugurated under the most favourable auspices has as yet been brief; but even those who opposed its introduction most strongly would hesitate to deny that it is working well, and that it has already effected improvement in the despatch of parliamentary business, and in the general administration of the country, which promises well for the future. A single strong governing power has, in fact, been substituted for the dual forces of the Executive and Legislature, which were before as often as not exerted in opposite directions, and the happiest results as regards the general progress of the colony may confidently be looked for. That progress may not be exempt from interruptions due to bad seasons, low prices, and the like; it will doubtless be occasionally retarded by political contests; but, for the first time in the history of South Africa, its inhabitants have begun to feel that its future destiny lies in their own hands, and no temporary discouragements will prevent their rapid and successful development of the vast natural resources of the country."

XII.

Natal—Griqualand West—Confederation.

1848 to 1876.

NATAL: After its Occupation by Great Britain—The Byrne Emigration Scheme—Sir George Grey's visit—Representative Government—The Charter and the Franchise—Commercial crisis—Supplementary Charter—Langalibalele's disturbances—Sir Garnet Wolseley's Mission—Amendment of the Constitution.—GRIQUALAND WEST: Proclamation of Sovereignty—The Diamond Mines—Riots and Lynch-law—Constitution granted—Mr. Southey, Lieut.-Governor—Causes of Discontent—Armed Bands—Arrival of Troops—Purchase of the Mine—Retrenchment—The Land Question—Settlement of Disputes with the Orange Free State—CONFEDERATION: Earl Carnarvon's Proposals for Union.

HAVING in the preceding chapters traced the progress of the Cape of Good Hope—the parent European settlement of South Africa,—we now turn to the adjacent colonies and states, and take up the dropped threads of their history.

Natal, for two or three years after its first occupation by Great Britain, was placed under the general superintendence of the Cape Government. This arrangement was found not to answer. The members of the Cape Council were ignorant of the local wants of the country, and could not satisfactorily legislate for it. In 1848, new letters-patent were issued, revoking the authority given to the Cape Government to make laws and ordinances for the Natal district, and appointing the local Governor, with his executive

officers, the Colonial Secretary, the Public Prosecutor, and the Surveyor-General, as a Legislative council, to exercise these powers. The Lieutenant-Governor and the Executive, however, still continued to be subordinate to the Governor of the Cape.

The letters-patent of 1848 also directed that the organization existing among the natives should not be disturbed,—that there was to be neither interference with nor abrogation of any law, custom, or usage prevailing amongst them previous to the assertion of authority over the district, except so far as the same might be repugnant to the general principles of humanity recognized throughout the whole world. In pursuance of this instruction, in 1849, an ordinance was passed, conferring upon the Lieutenant-Governor all the authority of a Supreme Chief over the natives, and empowering him to administer native law among them, through officers he saw fit to appoint, such as the Secretary for Native Affairs, the magistrates, and petty chiefs. The old tribal polity of the Zulus was thus maintained within the colony. The hereditary chiefs were looked to and held responsible for the good order and government of the people. The locations they occupied were regarded as the property of the tribe. No individual settlement on the soil,—no general mixing as employers and employed with the white population,—and no recognition of the common laws and institutions of the colony were insisted upon. They were left, as far as the government was concerned, to grow up as a pagan community.

The necessity for strengthening the European population became apparent. The thinness of the scattered whites, and the vast numbers of the interspersed natives, constituted the weakness and danger of the colony. Sir Harry Smith's mission, as High Commissioner, in 1848, and his generous offers to do justice to the original conquerors of the soil, had failed to retain any very large number of the emigrant Boers. Efforts were then made to direct attention to the suitableness of the country as a field for British emigration. A gentleman, named Byrne, who had visited it in

1843-44, formed a scheme for the introduction of settlers, engaging to furnish a steerage passage, with twenty acres of land after arrival, for the sum of £10 per statute adult. He travelled about England, delivering lectures on emigration, and especially on the advantages Natal presented to men of small capital. The result was that, in 1849-50, upwards of 2,400 souls were landed in the colony. The expectations of many of them were sadly disappointed. The twenty-acre settlements were not in general suited or sufficient for cultivation. There was no accommodation for the emigrants on arrival, and several families, unable to reach the lands for which they had paid, were obliged to live in tents or miserable huts. Those who could earn a livelihood otherwise than by agriculture, abandoned their settlements, and took to trades and other occupations. After the first vicissitudes of their pioneer life had passed, however, many successfully established themselves in the land of their adoption, becoming in course of time thriving colonists, the possessors of comfortable houses and valuable properties. Crude and ill-managed as the Byrne emigration scheme undoubtedly was, it contributed to set in motion towards South Africa some portion of the stream of European life which was flowing to other lands. The capabilities of Natal were thus developed, and it was proved that sugar, coffee, arrow-root, and other inter-tropical products could be profitably cultivated over a considerable extent of its coast lands.

On the death of the first Lieut.-Governor, Mr. West, in 1849, the administration for a short time devolved upon Lieut.-Col. Boys, but in 1850 Mr. Pine (now Sir B. C. C. Pine) was appointed to the office. The colony was then divided into six counties, each having local councils for the management of district affairs; and in the two chief towns, Pietermaritzburg and Durban, municipal corporations were established.

In 1855, Sir G. Grey, as High Commissioner, visited the settlement. He was directed by the Secretary of State to enquire into and report upon two subjects,—one, the removal of a portion of the

native population; the other, the introduction of representative government.

Mr. Shepstone, the Secretary for Native Affairs, had submitted a plan to relieve Natal of its native difficulty, by drawing off half of its increasing Zulu population into the unoccupied territory south-west of the colony, near the St. John's River. There he proposed to establish rule over them, and as their Chief to govern them according to the principles of their own laws and customs, so modified from time to time as gradually to ameliorate their condition. He asked the British Government to guarantee the territory he was to occupy against foreign aggression and against its own subjects, and to give him the right of raising and appropriating such revenues as he might think sufficient for his own support, and for carrying on the government of the country. The scheme did not find favour with Sir George Grey. His Excellency thought it was most undesirable, under any circumstances, to collect ordinary barbarians in such large masses. To place them as an isolated race, subject to no civilizing influences, immediately in the neighbourhood of the Kafir tribes with whom the Cape colony had been so constantly engaged in wars, would be to imperil the safety of the eastern frontier, as well as the neighbouring Orange Free State. He therefore gave directions that neither directly nor indirectly should any encouragement be given to the measure; and his policy in so doing was approved of by the Secretary of State.

The proposition for granting representative institutions to Natal originated with Mr. Pine, who urged that with a singularly popular constitution at the Cape, and with free republics on its borders, it was impossible to delay a change in the legislative body, and the sooner it was conceded the more moderate and safe might its character be made. Sir George Grey, after acquainting himself with the wishes of the inhabitants, whom he found peculiarly distinguished by "intelligence and prudence," recommended that a representative Legislative council should be given to them. The

European population at this time was stated at 8,500. His Excellency, in describing its composition, said, "Amongst those who have arrived from Great Britain, are included a considerable number of English gentlemen, of good education, of great intelligence, and who have now had much experience in Natal. With a considerable acquaintance with British colonies, I should say that, in the character of its European population, in proportion to their total number, Natal might, with no disadvantage to itself, be compared with any other colony. The immigrants from the Cape contain amongst them many most intelligent men, acquainted for years with South Africa, its varied population, its diversified interests. South Africa is their home, has been that of their forefathers; its prosperity and welfare constitute theirs, and will constitute that of their children and children's children. A European population thus composed, ought, I think, to have a voice in the government of their country. No Governor could feel otherwise than glad, in being able to avail himself of such experience in legislating for the colony.

Another question of importance dealt with by Sir George Grey was the occupation and disposal of lands. To encourage the settlement of a numerous white population, he recommended the adoption of a measure for granting lands to eligible applicants on condition of a yearly quit-rent, and upon terms of occupation and military service, similar to those originally adopted by Sir George Cathcart on the formation of the Queen's Town division, in the Cape colony. The quit-rents, it was proposed, should form a fund for introducing immigrants on the aided system. The plan was put in operation for a few years, but was afterwards discontinued, as it tended to land-jobbing and speculation, instead of industrious settlement.

In 1856, Mr. John Scott was appointed Lieutenant-Governor in succession to Mr. Pine, and to him was assigned the duty of inaugurating the new Constitution which Her Majesty had granted —creating Natal a separate colony, with a Lieutenant-Governor,

and Executive Council, and, in addition, a Legislative Council, consisting of twelve elective members, and four non-elective Executive officers. The qualification for an elected member was that he should be a regularly-registered elector,—the rate of franchise to qualify an elector being the possession of immoveable property to the value of £50, or the payment of a yearly rental of £10. Subsequently, in 1865, natives subject to the operations of native laws were declared to be disqualified from exercising the franchise; but special provision was made, that every male native, who for seven years has been exempt from native laws, customs, and usages, and who obtains a certificate to that effect from the Lieutenant-Governor, and possesses the immoveable property qualification, shall be entitled to be registered as an elector, and to vote. These requirements still form the electoral law of Natal.

Governor Scott's term of office continued from the close of 1856 to 1864. It was distinguished by a political conflict between the colonists and the government on the subject of the issue of tribal titles to the location lands; which was settled by the trusteeship being vested solely in the Crown, instead of in a mixed trust of native chiefs and nominee officers, as first recommended by Mr. Scott. During these years, however, the colony enjoyed a considerable degree of prosperity and made marked progress. Immigration was encouraged. Private enterprise engaged in the new industries of sugar, coffee, and cotton-growing; and as the irregular and unskilled native labour could not be relied upon for the success of these undertakings, coolies were introduced from India. The prospects of Natal were considered good; and through the formation of various joint-stock associations, foreign capital and credit were introduced and liberally made use of. In 1865, the face of affairs changed. Many of these enterprises failed to realize the expectations with which they had been set on foot, and were discontinued or carried on at a loss. A commercial crisis had to be passed through, the public revenue declined, and the community generally were for a time reduced to a state of distress.

Colonel Maclean succeeded Mr. Scott in the government, but he soon succumbed to ill-health, and his place was temporarily filled by Colonel Bisset, as administrator, until in 1867, Mr. Keate was appointed Lieutenant-Governor. Soon afterwards the Executive and the Legislative Council got into collision. The representative members in Natal, as in the Cape colony, found that they had no control whatever over the administration. In 1869 matters came to a crisis. The Legislative Council rejected the Governor's estimates, and substituted one of their own, at the same time setting forth two principles which they strongly urged,—that there should be a reduction of expenditure on establishments, and that the taxation of natives should be increased. The natives were only subject to a hut-tax of 7/, being equal to 2s. 3¾d. per head, while the Council proposed they should be called upon to pay at least 4s. per head. Earl Granville was Secretary of State when this deadlock occurred. He gave his opinion:—"Considering that the natives owe their security and well-being to the British Government, I think that they be fairly called on to pay not only expenses which their presence in British territory involves, but also some equivalent for the advantages which they receive. But it would be shortsighted to impose on them such burdens as would materially check their progress in physical prosperity; and it is important to observe that the expense caused by their presence is at present defrayed for the most part by the Imperial Treasury." His Lordship then suggested that effective co-operation between the Legislature and the Executive would be best restored by adding two members of the Legislature to the Executive Council,—which he authorised by dispatch of December 6, 1869,—and by appointing a commission to enquire into and report upon the existing establishments of the colony.

After this commission had reported, a final decision of the long-vexed dispute was come to by Earl Granville's successor, Earl Kimberley, who advised Her Majesty to issue a supplementary charter, increasing the annual reserved civil list at the disposal of

the Crown from £8,750 to £40,000. In communicating this amendment of the charter, the Secretary of State remarked that it was a most difficult problem how to frame a colonial constitution so as to admit the people through their elected representatives to a sensible share in the control of affairs without extending to them the more complete power which accompanies responsible government. "Her Majesty's Government," he said, "are generally favourable to the system of responsible government when the colonists are able to take upon themselves the whole burden of self-government, and when there are a sufficient number of Europeans to warrant its introduction. They have shown this in the case of the colony of the Cape of Good Hope, where they believe that responsible government would be preferable to the continuance of the existing institutions. But, in the case of Natal, where a handful of white settlers is surrounded by a warlike population, it is obvious that the objections to responsible government are of the most serious character. Whether if at any future time a confederation should be formed of the various European communities in South Africa, it might be practicable to place Natal under a responsible general government of such a confederation, is a question which I need not here consider. But as long as Natal remains a separate community, and Her Majesty's government are responsible for the protection of the colony against internal disorder, and for the government of the large and increasing native population, the Crown must have secured to it the sums necessary for carrying on the essential business of the administration."

Mr. Musgrave was appointed Lt.-Governor in 1872; but he shortly afterwards was promoted to South Australia, and the office was again filled by Sir Benjamin Pine, who had administered the affairs of the settlement eighteen years before, and who was heartily welcomed by the old colonists. He was empowered to carry out a further amendment of the constitution by adding three new elective members to the Legislative Council, and one new official member

to the Executive Council. The aspirations of the people, however, were for the full introduction of responsible government; and a bill in favour of its adoption was carried through the Legislature in 1874; but the Lieutenant-Governor refused to signify his assent to it, as the measure had only passed in consequence of the Speaker's improper ruling that the official members were disqualified to vote on the question on the ground of personal interest in it.

At this time, an occurrence took place which brought the whole political condition of Natal, and the system of native administration, prominently into the foreground of Imperial as well as South African politics.

Langalebaleli, the chief of one of the Zulu tribes who, in the year 1848, had sought refuge in the colony from Panda, was charged with the offence of refusing to comply with the law, requiring the registration of all guns in the possession of his people. He had been repeatedly summoned to answer for his conduct before the magistrate or the Secretary for Native Affairs himself; but apparently apprehensive of the consequences he made various excuses, and declined to obey the summons. This was regarded as an act of contumacy which could not be overlooked by the Government. On one or two occasions previously, in the history of the colony, it had been found necessary to chastise powerful chiefs for similar offences, in each case the tribes being dispersed, the chiefs outlawed, and their property confiscated. As Langalebaleli, by refusing to answer the summons served upon him, had placed himself in an attitude of rebellion, the Lieutenant-General in Council determined to send a volunteer force to require his submission, and to invest the country at the base of the Drakensberg, occupied by his tribe. A portion of this force, under command of Major Durnford, R.E., on arriving at the Bushman's River Pass found a number of the tribe, under one of Langalebaleli's head-men, moving their cattle across the border towards the Orange River. The force

was directed to fire only as a last resort. While holding a parley, the number of natives increased; orders were then given to the volunteer force to retire, when they were suddenly fired upon, and five of them were killed—three Europeans, Messrs. Bond, Potterill, and Erskine (the latter a son of Major Erskine the Colonial Secretary), a native intrepreter, named Elijah Kambule, and a Basuto guide. Langalebaleli, was in advance with another portion of the tribe, fled with his follows into Basutoland, counting upon the support and sympathy of some of the natives there; but the Cape Government having been advised of their retreat in that direction, the frontier mounted police, and the British agents in Independent Kafirland and Basutoland, with several loyal native allies, made a combined movement which resulted in the arrest of the chief, his sons, his counsellors and his people, with 5,000 head of cattle, by Mr. Griffiths the Governor's agent in the Basutoland settlement. This united action of the forces from the Cape Colony, Kaffraria, Basutoland and Natal created a good impression, and a wholesome awe of British power among the native tribes generally.

Langalebaleli was taken back to Natal and put upon his trial before a Court composed of the Lieutenant-Governor, sitting as supreme chief, the Secretary for Native Affairs, certain magistrates, native chiefs, and their "Indunas" or head-men. The Constitution and proceedings of the Court were peculiar, being a combination of civilized and savage law and procedure. The prisoner, who was without the assistance of counsel, was found guilty of the indictment brought against him, and sentenced to banishment or transportation for life. This sentence was confirmed upon appeal to the Lieutenant-Governor in Council, and it was carried into effect by the prisoner being conveyed to Robben Island in Table Bay; the Cape Government, at the solicitation of Natal, having passed an Act for the purpose of authorising his confinement there. In the meantime Langalebaleli's tribe, the Amahlubi, and a neighbouring tribe,

the Putile, associated with them were "broken up," and their lands taken from them.

The Earl of Carnarvon was Secretary of State, when the despatches communicating these circumstances reached England. He regarded the so-called rebellion as a disturbance, which a few policeman would have effectually dealt with, and the subsequent judicial proceedings as most irregular. He, therefore, advised the Queen that the sentence passed upon Langalebaleli should be mitigated; and Her Majesty directed both the chief and his son to be removed, from Robben Island to a location set apart for them on the mainland in the Cape Colony, but under strong restrictions against his re-entering Natal, and that the remnant of the dispersed tribes, especially the public, should be restored to their former privileges, and enabled by every possible means to re-establish themselves in settled occupations. Nor was this all. A radical change in the Natal Government followed; Sir Benjamin Pine was recalled, and Major-General—Sir Garnet Wolseley—was sent out as administrator to investigate, and report generally upon what would tend to good government to the future security of life and property, amongst the European settlers, and to the maintenance of law, order and justice, among the Kafir population.

Sir Garnet Wolseley had a special mission, and it was quickly performed. Aided by a staff of able military officers who had been with him throughout the Ashantee War; Colonel Colley, Major Brackenbury, Major Butler, and Captain Lord Gifford,* he enquired into every matter relating to the affairs of the colony, and personally inspected its towns and districts and wild native locations, thus thoroughly acquainting himself with the various questions to be dealt with. As a result of his observations he deprecated, in the strongest terms, the proposed return of

* In addition to his staff, Sir Garnet was accompanied by Mr. F. Napier Broome, appointed to fill the post of permanent Colonial Secretary, in succession to Major Erskine, retired.

Langalebaleli to the colony, and also the sensational stories which found circulation at home, respecting the treatment of natives by Europeans. In a despatch to Earl Carnarvon he said:—"These sensational narratives, oftentimes based upon unsifted evidence, find credence too readily by the people of England when in our intense anxiety to protect the weaker race, our minds are liable to believe that the strongest must always be in the wrong. . . . . In a new colony like this there will always be found some rough, cruel men who, previous to emigrating, have never had servants of their own, nor the direction of labourers, and are apt to oppress and to act unfairly towards the natives; but that these men are exceptions is clearly proved, by the constant flow of natives into Natal from the neighbouring independent provinces, and by the wealth and prosperity of those long settled in the colony. The natives of Natal are well-off, in every sense, and although many circumstances combine to prevent the spread of Christianity or of civilization amongst them, there can be no doubt, as a people, they are to-day far in advance of those not living under British rule. I have thought it advisable to enter into this subject at length, because I consider it essential to correct opinions that have been formed in England upon the one-sided, highly-coloured, and, in some instances, incorrect statements that have been made public, in a sensational manner, and to show—

"(1.) That the government of the Kafirs here has been successful, and that under it—whilst all their customs most repulsive to humanity have been abolished, and whilst to a limited extent they have acquired the first elements of civilization—they have become a happy, wealthy, and prosperous community.

"(2.) That in reality the Kafirs are in numbers, not only vastly superior to the white settlers, and that they are capable of becoming a very dangerous element in the colony.

"(3.) That to retain Natal as a European colony it is essential

to rule the Kafirs, not only with justice, but with the utmost firmness, and to make them believe in our strength."

A change in the Constitution of the colony was the principal political task which Sir Garnet undertook to perform. The proposals for responsible government which the colonists had supported in the previous year were considered to be out of the question. The Secretary of State intimated that they could not be entertained in presence of the native difficulty which had arisen. The administrator therefore urged that the power of the Executive in the Legislature should be increased by the creation of ten nominee members. Only by this means would internal security be firmly established; and not until the outside world believed that life was secure and property safe from the fluctuations of panic, would the white settlers seek within the colony a home, or the English capitalist give his money to promote those undertakings without which all the natural wealth of the soil must lie fallow and useless. "Her Majesty's Ministers," he said, "are keenly desirous of seeing the extension of free institutions throughout every portion of the British Dominions, and are most anxious to hasten the time when this colony, resting upon a basis of permanent security, shall be in a position to take upon itself the responsibilities attendant upon self-government, but they are also convinced that the mother country cannot either cast herself loose from the obligation of affording protection to her own children settled amid a vast native population, or forget that the presence of that native population carries with it the grave responsibilities inseparable from the government of a mixed community."

The bill for strengthening the Government, introduced by his Excellency into the Council upon its meeting in May, 1875, called forth a strong expression of public feeling. It was felt that the elective members of the Council had done nothing to deserve such an expression of want of confidence, and that the native disturbances which had occurred was altogether owing to the action of the Executive. But the political conflict was smoothed down by

the bland and pacifying influences of the profuse hospitalities exercised by Sir Garnet and his distinguished staff. After a debate in the Council, continued over three lengthened sittings, the second reading of the bill was carried by a majority of two; the ayes being the five officials and five of the coast members, Messrs. Polkinghorne, Aiken, Saunders, Hunt, and Field—*ten*; the noes, *eight*,—Messrs. Robinson (Durban Borough), J. N. and J. C. Boshoff, Ridley, Winter, Akerman, Allen and King. In committee, some considerable alterations were made, which the Council adopted. The number af nominees was reduced from ten to eight, all officials being excluded, and the selection of the nominees restricted to names which had been on the Voter's Roll for two years, with a property qualification of £1000 free of all encumbrances. It was also provided that all taxation of the white population shall require a two-thirds vote; and the operation of the bill was limited to five years. Under this law, which came into force in 1875, the Legislature now consists of five executive officers, eight nominee members, and fifteen elected members.

Within the short period of five months Sir Garnet Wolseley's mission was completed; and in August, 1875, he was succeeded by the present Lieutenant-Governor, Sir Henry Ernest Bulwer. The enlarged Legislative Council was soon afterwards summoned to meet, to consider two important measures submitted for its consideration—one, an amended law for the administration of native affairs; the other relating to the construction of railways from the port to the upland districts.

The Native Administration Bill was the result of Earl Carnarvon's consideration of the circumstances of the colony, after consultation with Sir T. Shepstone. It considerably modifies the Ordinance passed in 1849. It provides for the appointment of salaried officers of European descent to guide and control the several native locations, and by their presence and personal example to detach the people from their dependence upon hereditary chiefs. Under it, all native crimes except those of a political

character are to be tried in the ordinary courts; and civil cases, divorce, and other special cases are to come under the jurisdiction of a Native High Court, of which Mr. John Ayliff, formerly a member of the Executive, has been constituted the Judge. By these changes the large native population will be brought more under the humanizing influences of civilized law and civilized life; and by such means, and the promotion of education and the encouragement of useful and industrial pursuits amongst them, they may gradually be improved and raised to the full enjoyment of the privileges of intelligent citizenship.

The necessity of railway communication had been recognised in the colony for many years. It was felt that the absence of economical means of transport materially retarded the development of its resources and the expansion of its trade beyond its borders. The Legislature, in several sessions, had proposed various schemes, which, however, fell through from one cause or another. The last of these schemes had been passed in 1874; but it was disallowed by Her Majesty's Government, on the ground that it made over a portion of the waste lands of the colony to a great joint stock company, thus placing in their hands the power of claiming eviction therefrom of the native population. Earl Carnarvon, however, shewed his appreciation of the importance and urgency of railway works, and his desire to advance the interests of Natal, by at once authorizing the Crown agents to enter into a provisional contract with well known English contractors for the completion of 104 miles,—namely, from Durban to Pietermaritzburg, from Durban to Verulam, and from Durban to the Izipingo. The contract was soon afterwards accepted and confirmed by the Legislative Council of the colony, and a loan of £1,200,000 authorized for the execution of these undertakings.

Sir Henry Bulwer, in turning the first sod of the railways, now in course of construction,—in the initiation of an improved native policy,—and in devising measures, in conjunction with the proprietors of land, to colonize and cultivate the waste spaces

which here and there still form a wilderness in the very heart of the colony,—has inaugurated a new era in the history of Natal.

GRIQUALAND WEST (embracing the Diamond Fields) is the youngest of Her Majesty's possessions in South Africa. It was created British territory by a proclamation issued by Sir Henry Barkly on the 27th October, 1871. The proclamation set forth that the Griqua chief Waterboer had petitioned on behalf of himself and his people to be accepted as British subjects, and their territory to be British territory. It declared that Her Majesty had been pleased to signify her assent to this prayer, and to authorise the High Commissioner to receive the Griquas into allegiance, conditionally on the Cape colony consenting that the territory should become part of the colony, and undertaking to provide for the government and defence thereof. It went on to recite certain resolutions adopted by the two Houses of Parliament of the colony in August, 1871, expressing the opinion that, pending the adjustment of disputes regarding the boundaries and the passing of a law for the examination of the territory, the Governor of the colony should be requested to take measures for the maintenance of order, the collection of revenue, and the administration of justice; and it affirmed the necessity of assuming sovereign jurisdiction before these requests could be complied with. It then alluded to the existing disputes as to boundaries, stating that in consequence of the refusal of the President of the Orange Free State to agree to terms of arbitration, the High Commissioner was obliged in Her Majesty's name to determine the boundary line on the best evidence procurable.

The Government of the territory was vested in three Commissioners,—Mr. John Campbell, Special Magistrate, Commandant Bowker, of the Frontier Mounted Police, and Advocate Thomp-

son, Public Prosecutor; while a High Court was created under the presidency of Advocate J. D. Barry, as Recorder.

At this time a great change had occurred in the condition of things at the diamond-fields. The miscellaneous population which first crowded the banks of the Vaal River in 1870, in the search for diamonds found that the precious gems existed not only in the alluvial drift of the river-bed, but in the undulating grassy country between the Vaal and the Modder Rivers, on farms bearing the names of Du Toits Pan, Bultfontein and De Beer's. The river banks were soon deserted for these places. One of them, now known as the Kimberley Mine, proved immensely rich. The first diamond was picked up there in June 1871, under the roots of an old thorn tree, which then crowned a grassy knoll some ten acres in extent. The ground was immediately divided into claims, and from continued excavations the place has since assumed its original natural form of a circular crater or funnel, reaching in its lowest depths to 200 and 300 feet, in every part honey-combed with pits formed by the diggers carrying off the soil from each claim to be washed and sorted. The diamonds dug out of this mine have been estimated to amount in value to ten millions of pounds sterling. No other spot as small in the whole world has yielded so much wealth.*

The proprietors of the farms on which the mines of De Beer's and Du Toit's Pan were situate, held their titles to the property from the Orange Free State Government. The officials of the Republic accordingly exercised authority there in 1871. Its Volksraad passed special laws to meet the wishes and the cir-

* Further changes have taken place during the last year or two in the working of the Kimberley mine. In 1872, Sir Henry Barkly truly described the scene as a "vast human ant-hill surging at his feet" with a gossamer web of ropes and wires stretching overhead, along which the buckets laden with soil from the claims were carried. "Now" (says the *Diamond News*) "the whiz-z-z of the buckets is missed, the monotonous chanting of the Kafirs on the top of the staging is also a thing of the past, and in their stead we have horse and steam power. Everywhere gigantic undertakings, money and steam power are forcing individual diggers, whims, windlasses, wooden tubs and hide buckets out of the great race for wealth, relegating them to the other mines or where they will."

cumstances of the community, and its magistrates administered justice in a rough and ready way suited to many of the diggers. But the population was daily augmenting, and the majority of them being British subjects, interested in the protection of property they had acquired, urged Sir Henry Barkly to the course he adopted of proclaiming British Sovereignty over the country. The Government of the Orange Free State, to prevent any collision, at once withdrew its officers, but protested against the High Commissioner's proceedings as an encroachment upon a portion of its territory, and a violation of the articles of the convention of 1854, by which the independence of the Republic had been acknowledged.

The executive authority exercised by the three Commissioners appointed by Sir Henry Barkly was not very successful. The diggers soon complained that discipline was not maintained among the bands of natives who were pouring in from all parts of the interior, seeking employment as labourers. They also complained that permission was given to coloured persons to dig for diamonds, thus opening the door for stealing and illicit traffic —the natives working in the claims being exposed to peculiar temptations, and in some cases encouraged by unscrupulous traders, to secret and surreptitiously dispose of valuable stones found in their master's claims. Excited by these feelings, a "raid" was made upon one or two low-class Europeans, keepers of canteens, who were suspected of being implicated in the nefarious traffic, of receiving diamonds in exchange for liquor, or for sums far below their value. The mob proceeded to burn their canvass shanties, and destroy their goods. This disposition to exercise lynch-law was only restrained by the Executive Commissioners agreeing to make certain concessions to the diggers —one of them being the issue of a proclamation suspending the licences held by coloured persons. Against this course, however, the Public Prosecutor, Mr. Thompson, entered his protest Sir Henry Barkly, as the Queen's Representative, also declined to

approve, or confirm the proclamation, which was immediately revoked.

His Excellency, who was at Cape Town, lost no time in proceeding to the fields, and there placed himself in communication with deputations representing the digging community. They submitted their grievances on the whole in a rational and moderate spirit—among others stating their objection to the existing system of administration by the Commissioners, and expressing a desire for an independent form of government. Before Sir H. Barkly left Griqualand West, he intimated his readiness to recommend to Earl Kimberley that the province should be placed under a Lieutenant-Governor, aided by a Legislative Council such as that of Natal, consisting partly of officials and partly of elective members.

The reasons which induced Sir H. Barkly to suggest this alteration were various. The prospect of coming to an arrangement with the Orange Free State Government for arbitration on the boundary question seemed as distant as ever. The annexation of the territory by the Cape Parliament, while these boundary disputes were unsettled, was equally remote. The unsuccessful working of the divided responsibility of the Executive Commission, and the impracticability of supervising affairs from head quarters at Cape Town, rendered it expedient that a qualified administrator should be on the spot to act with promptness and decision in any unforeseen or extraordinary circumstances which might arise among the mass of men there gathered together from all parts of the world.

Mr. Southey was requested to take, and he agreed to accept, the office of Lieutenant-Governor of the Province. In consequence of the change in the form of government in the Cape Colony at the close of 1872, he had retired from the Colonial Secretaryship with a pension of £1200 a year, and a special mark of distinction from the Crown for his varied and meritorious services extending from the outbreak of the Kafir war in 1834 to this

time. His appointment was approved of by all parties in the colony and hailed with satisfaction in Griqualand West. Soon afterwards, in accordance with Sir Henry Barkly's representations to Earl Kimberley, letters-patent were issued by Her Majesty, dated 7th February, 1873, creating the territory a separate province, with a Lieutenant-Governor (subordinate to the Governor of the Cape Colony), an Executive Council, and a Legislative Council, composed of four non-elective and four elective members, to make laws for the peace, order and good government of the province. The Council met for the first time in December, 1873. Its constitution unfortunately was unpopular. The permanent majority provided to the Executive by the casting vote of the Lieutenant-Governor, failed to meet the expectations of those who had relied upon the High Commissioner's promise of a representative Legislature after the model of that then in existence in Natal.

Other circumstances contributed to this element of discontent. The cost of Government was chiefly borne by the white population, which numbered about 15,000. The revenue was gathered almost exclusively from trade sources, diggers' licences, fees for the registration of natives, heavy trade licences, stamp duties, and the like. As long as diamonds were plentiful and prices high, the tide of affairs flowed pleasantly enough; but when the field of the mine was interrupted by landslips or floods, or trade was overdone and the general prosperity in any way checked, discontent was loudly expressed, and the Government was declared to be too costly and unsuited to the circumstances of the people. Mass meetings of the diggers were held, and a memorial drawn up, praying for a Royal Commission of enquiry to be appointed. Among the grievances enumerated by the petitioners was the delay in the settlement of the land question. This delay partly arose from the pending boundary disputes, and also from the necessity for a survey of the lands; but even when surveyed, a number of claims from the Griquas and other natives, or their

agents, as well as from squatters and from land speculators had to be adjudicated upon. Another cause of dissatisfaction was the uncertainty as to the tenure of the "claims," and the rent charges for business stands on the ground in the vicinity of the mines. The farm on which the principal mine and township of Kimberley stood had been purchased in 1871, for its Boer owner, for £6,000. It then passed into the hands of a company, who endeavoured to make the most of their property, charging rents for the plots of ground occupied by the diggers, and for grazing, wood, water and other privileges. An attempt to enforce payment of rent or to eject occupiers from the land, led to threats of resistance. Armed bands were organised, under the auspices of a Diggers' Protection Association; and in a frenzy of excitement they set the law and the executive at defiance. At this crisis, the constabulary at the disposal of the local government was unequal to cope with any serious outbreak, and Mr. Southey applied to Sir Henry Barkly for a military force to support his authority and awe the disaffected. In consequence of this deplorable state of affairs, a body of troops, consisting of 250 men of the 24th regiment, 40 mounted infantry, and two 6-pounder Armstrong guns, were dispatched from Cape Town under the personal superintendence of the commander of the forces, Lieut.-General Sir A. Cunnynghame. The mere announcement of this military movement quickly restored good order on the fields. The troops on their arrival at Kimberley were received most loyally and cordially by the inhabitants, who extended hospitalities both to officers and men. Mr. Southey then issued a proclamation granting an annesty to all except six of the persons alleged to have been assembled under arms to resist the execution of the law. The six exempted, being the ringleaders, were arranged on charges of sedition, conspiracy and riot. Three of them pleaded guilty to having assembled in arms, and were discharged by the Recorder on entering into recognizances to come up for sentence if called upon within six months. The other three stood their

trial and were acquitted by a jury. Following upon this there was a reaction in favour of the government among the mining community, who, as a body, disapproved of carrying measures to the violent extreme which the leaders of the armed band had done.

To put a stop to the existing difficulties with respect to the proprietor's rights, Mr. Southey urged the purchase by the Crown of the farm on which the Kimberley mine was situated. This was finally carried out by Sir H. Barkly, with the sanction of Her Majesty's advisers, in 1875—the proprietors receiving, as a purchase amount, £100,000 in debentures bearing interest at the rate of 6 per cent. per annum.

The occurrences at Kimberley led to a re-consideration, by the Secretary of State, of the whole circumstances of the province. Its financial condition was unsatisfactory. The expenditure was greater than the revenue, and the expense of moving the troops had added £19,000 to the general debt. Earl Carnarvon considered that the civil establishments created were more costly than was necessary for the simple requirement of so small a community. He therefore resolved with an unsparing hand to cut down at once every possible expense, rather than subject the people to an unnecessary load of taxation. The first step in his scheme of retrenchment, was the retirement of Mr. Southey, the Lieut.-Governor, and of Mr. Currey, the Secretary to Government, and the appointment in their place of Major Lanyon as Administrator. At the same time Col. Crossman, R.E. was sent out as a Special Commissioner to report upon the finances, the crown lands question, and the whole system of administration.

Since then a court has been established to adjudicate upon all claims to land within the province. Advocate Andries Stockenstrom, of the Cape Bar, was appointed Special Judge of this tribunal. His decision on the various claims presented was given in March and May, 1876. Out of 1,678 applications for land which were brought before him, 297 were provisionally

allowed; 706 disallowed; 14 withdrawn; 15 absolved from the instance; 211 were made absolute; appeals were made in 163 cases; and other applications were made on account of services rendered, with which the court could not deal. In giving judgment upon the native claims brought before him, Mr. Stockenstrom stated, as the conclusion of his historical investigations, upon which he based his decisions, that the rights of the nomadic and semi-nomadic tribes in the territory were co-extensive only with their power to occupy and retain possession of the soil; that the chiefs were chiefs over tribes, not over territories, and as such merely exercised personal jurisdiction over their followers,—territorial jurisdiction being a thing unknown to them.

The long standing and serious dispute between the High Commissioner and the Orange Free State respecting the eastern boundary of the province has also been amicably settled. By direct negotiation between Earl Carnarvon, as Her Majesty's representative, and His Honour President Brand, which took place in London, in July, 1876, the matter was finally adjusted by a payment to the Orange Free State of £90,000, and a further payment of £15,000 was assured in the event of the State constructing a line of railway in connection with any of the colonial railways, which will be an advantage politically and materially to Griqualand West.

This satisfactory solution of the boundary question having been arrived at, the Cape Government has undertaken to fulfil its obligation, by recommending to the Parliament the incorporation of Griqualand West as an integral part of the Cape colony.

South African affairs were the great perplexity of the British Colonial Department when Earl Carnarvon took office as Secretary of State, in 1874. The troubles connected with the acquisi-

tion of the Griqualand West territory, the repudiation of the Keate award by the South African Republic, and the Langalibaleli disturbance in Natal, all called for an inquiry into past transactions. The result of that enquiry showed that the blunders of Downing Street administration in years gone by had led to the complications which existed, and were still fruitful of divisions and differences, between the various European settlements. To remove the chief causes of estrangement, and to bring about more harmonious action between these communities, Earl Carnarvon determined upon a change of policy and plan.

In the House of Lords, during a debate on South African affairs, 1875, he declared: "Hitherto the interests and systems of all the states in South Africa have conflicted with each other. My wish is to see those interests and systems brought into greater unity. I desire, in the first instance, to see a greater development of those great resources which South Africa possesses. Secondly, I desire to see a uniform system adopted in these states, because as long as different systems exist among them there will be a perpetual source of danger. And, lastly, I look most earnestly to a better understanding being created between the two Dutch Republics and ourselves. I think it would be to the interest of all parties to concur in demanding that there should be a better understanding and a more conciliatory course of action between those Republics and ourselves."

The settlement of the irritating boundary controversy with the Orange Free State already mentioned, was one of the results of this change of policy.

Another important step proceeding from it was a proposal for a conference of the governments of South Africa, with a view to Confederation, which was communicated to the colonies in a despatch addressed to Sir Henry Barkly, on the 4th May, 1875. But the Cape Government declined to further the proposal, objecting to the sudden manner in which the question of Confederation was introduced, and maintaining that any movement in its favour

should be left to emanate from the expressed desire of the people themselves. This kindled a political agitation throughout the country, which is now only subsiding; but the discussions and controversies incidental thereto seem to have paved the way for a clearer comprehension and a juster appreciation of the wishes and aims of the Imperial Government.

The scheme of Confederation, approved of by Her Majesty's advisers, is in its principal features, the form of close alliance Sir George Grey recommended for adoption in 1859, and which many far-seeing colonial politicians have long regarded as the natural political future of South Africa. It contemplates a union of all the colonies and the Border states, on the model of the dominion of Canada. Its effect will be to give enlarged powers of self-government to the adjacent and kindred European communities, —placing the control, management, and direction of the whole of the internal affairs of South Africa in the hands of its own people,—in allegiance to and under the guardianship of the Crown of Great Britain.

CONCLUSION.

Present Position of the Colonies and States of South Africa.

Past and Present—Population, Revenue, Trade, and Productions of the European Settlements—The Cape Colony and its Annexed Provinces; its Institutions and Financial Condition—Griqualand West—Natal—The Orange Free State, and its Government—The Transvaal and its Resources; Gold-fields; Political Constitution; Administration of President Burgers; War and Financial Difficulties; Union with the British possessions—Native Races.

In bringing to a close this short History of the European settlements of South Africa, we are tempted to give a review of the material and social advancement of the country, as evidenced by the growth and increase of towns and villages, the expansion of trade and wealth, the improvement in the condition of the people, and the progress of intellectual, moral, and religious culture. But the task would enlarge the compass of this book beyond its prescribed limits. A few prominent facts, shewing the progress made, and the position at present attained, by the several colonies and states, may afford the information most desired in these days of brief telegraphic summaries and rapidly-changing circumstances.

To contrast the past with the present it is unnecessary to refer to the period, extending over a century and a half, during which South Africa was governed by the Dutch East India Company. Travellers who visited the Cape of Good Hope at that time represented it as little better than a "barren promontory, and a sterile desert with a savage population, only interspersed here and there with a feeble and stunted population." There was no commerce whatever, the monopoly of trade then prevailing restricting the industry and enterprise of the first settlers within very narrow limits.

At the date of the capture of the Cape in 1806, the total population was not more than 75,145, and of this number one-half were native Hottentots and imported slaves. The influx of British immigrants in 1820 introduced a new class, ambitious of improving their condition and carrying with them the energy and progressiveness of the mother-country. From that time commerce was developed and colonization steadily advanced.

In 1821 the population of colonized South Africa was 110,370; and the colonial produce exported was valued at £130,577.

During the fifty five years that have since passed, the European settlements have so extended as to embrace within their united areas, at the close of 1875, a population of 1,759,515 souls, of which 1,339,515 are within British territory, and the remainder under independent republics. The total number of the white population is over 350,000, bearing a relative proportion to the coloured and native population of about 1 to 5. The aggregate amount of the revenues raised by the several governments exceed £2,000,000 per annum, and the expenditure approaches to a like sum. The annual value of the exports and imports forming the external commerce of these settlements, is not less than £15,000,000, while the productions used in home consumption are very considerable, while according to the latest estimates the value of the fixed property for valuation purposes is £22,000,000. The commercial products are both numerous and various. Corn,

wine and wool; cattle, sheep, and horses; ivory, horns, and hides; ostrich feathers and diamonds; gold, copper, iron, lead, manganese and other ores; coal and timber; sugar and coffee; fruits, tobacco, and cotton. The list may be increased by the enumeration of other minor articles, but even as it is, it embraces a fair share of the essentials to the permanent prosperity of a country.

The Cape Colony—as the Cape of Good Hope is commonly termed—forms the greater part of the British Possessions in South Africa. Its proclaimed boundaries are—on the north, the Orange River, which flows from east to west across two-thirds of the continent; and on the north-east the course of the Indwe and Great Kei Rivers; while on two sides, south and west, it has an extensive seaboard, overlooking the Indian and Atlantic Oceans. Within these boundaries its approximate area is 199,950 square miles. The last census which was taken on the 7th March, 1875, shewed the colony contained 720,984 inhabitants, of whom 369,628 were male, and 351,356 female. The European or white population numbered 336,783 souls. Of these the number of Dutch or French origin is estimated at 150,000, which is nearly the number of those professing the Dutch Reformed and Lutheran creeds. The other Europeans are the offspring chiefly of English, Scotch, Irish, German, and Swedish immigrants who have entered the colony since 1820. The coloured inhabitants number 484,201, consisting of 98,561 Hottentots, 214,133 Kafirs and Bechuanas, 73,506 Fingoes, 10,817 Malays, and the remainder mixed races. The number enumerated as Hottentots are also of mixed origin, including Namaquas, Hill Damaras, and Korannas, and the scanty remnant of Bushmen still surviving, about 400 souls.

Beyond the proclaimed boundaries of the Cape of Good Hope there are the Basutoland and Transkeian territories; the area of the former estimated at 10,000, and the latter at 9,070 square miles. Basutoland was annexed to the Cape colony by Act No.

12 of 1871, and is governed under a code of regulations sanctioned by that Act. Its population numbers 378 European, and 127,323 natives. The Transkei, Tambookieland, Idutywa, and Griqualand East districts, although not annexed by formal Act of Parliament are also ruled by colonial magistrates, and the people regard themselves as British subjects. The number of natives in the territory is stated at 154,531. With the addition of these, the total population under the Cape government is 1,002,838 souls. Before another year passes it is probable that Griqualand West will be incorporated; and ere long the extensive region northward from the Orange River to the Cunene River, and including Walwich Bay and Damaraland will also be annexed, thus doubling the already vast area of the colony.

Cape Town, the metropolis and seat of government, with its pleasant suburbs, Rondebosch and Wynberg, contains over 50,000 inhabitants. Port Elizabeth, the principal place of business, has a population of a little over 13,000. Next in importance come Graham's Town, King William's Town, and Graaff Reinet. According to the census, the number of inhabited dwellings in the colony is 55,212, exclusive of 76,022 inhabited huts and tents. The extent of land owned by colonial proprietors is approximately given as 39,947,734 morgen (a "morgen" is a little over two English acres). The waste lands still unalienated and belonging to the government, comprise a domain of about 50,000,000 acres. The area of land returned as cultivated is 274,412 morgen. The produce of wheat 1,687,935 bushels, and of maize and millet 1,113,007 bushels. The tobacco grown 3,060,241 lbs. The vines cultivated yielded 4,485,665 gallons of wine and 1,067,832 gallons of brandy and spirit. Among industries and implements connected with farming there are 1695 corn-mills, 57 wool-washing establishments, 306 tanneries, 46 breweries, and 1,444 distilleries. There are 28,416 ploughs, 10,580 harrows, 219 reaping machines, and 332 threshing-machines in use. The animal productions of the colony amount to 28,316,181 lbs. of wool, 128,128 lbs. of mohair,

and 7,143 lbs. of ostrich feathers. The colonists possess 9,986,240 wooled sheep and 990,423 hairy cape sheep; 877,988 Angora goats and 2,187,214 common goats; 116,738 pigs; 21,751 ostriches; 205,985 horses; 29,318 mules and asses; 421,762 draught oxen and 689,951 other cattle.

Representative institutions are in operation throughout the length and breadth of the land. The legislative power is vested in the Governor and two chambers, the Assembly and Council, whilst the administration is under the direction of a responsible Ministry. In the various divisions and districts—now numbering in all sixty-nine—the government is represented by a civil commissioner or magistrate: usually the two offices are combined in one person; in such cases their duties include the collection of revenue, the preservation of order, the administration of justice, and other matters.

In all the divisions there are local elective bodies, termed Divisional Councils, which are charged with the maintenance of the roads, the settlement of disputes about land boundaries, and have to inspect and report upon Crown waste lands proposed to be offered for sale. In most of the towns there are Municipal Councils, elected by the inhabitants, for the management of local affairs. These Divisional Councils and Municipalities are authorized to raise revenues for their respective purposes, by the levy of rates upon landed property, by tolls, and by licenses. The funds administered by the Divisional Councils amount to £130,000 per annum; and by Municipalities, near to £84,000.

The highest court of judicature is the Supreme Court, which has its sittings in Cape Town. Besides this court there is a court of concurrent jurisdiction for the eastern districts, which has its sittings at Graham's Town; and circuit courts are held twice in every year, at such times and places as the Governor directs.

Amongst other civil institutions there is one established at a very early period by the Dutch Government, which is deserving of particular notice. It is the department known as the "Deeds

Registry Office," which secures in a very simple yet perfect manner the registration of all titles to landed property and mortgages. The registry extends back to the year 1685, shortly after the Cape was first occupied by Europeans; and at any moment the purchaser of land may refer to all the bygone circumstances, servitudes, encumbrances, and other matters connected with any old property, without the troublesome complexity or enormous expense which attends the same proceeding in England.

Titles to land are in the first instance issued by Government, representing the Crown, and registry of such issue is preserved in the Surveyor-general's office. All subsequent conveyance, transfer or exchange of any property is required to be recorded at the Deeds Office, where regular entry is made of the description of the property, its extent, the name of the seller, the purchaser, and the amount for which it is sold. A duty of four per cent. on the purchase amount is paid to the colonial revenue on the sale of any property, and also a succession duty on properties bequeathed; and certificates of these having been paid are required to be produced before transfer is given.

The Deeds Office likewise provides for the registration of hypothecations and mortgages, to have any legal right or title or to be effectual against creditors. All such bonds are entered in what is termed the "debt registry," which is indexed, and daily open to public inspection, on payment of a small fee. No transfer of land can be obtained until after a settlement of these bonds, either by the mortgagee consenting to continue his loan on the securities of the new purchaser, or by repayment.

Under this system the most perfect security is given to the capitalist, and the conveyance of landed property is made certain, simple, and economical. The registrar and his assistants, before passing any deeds, satisfy themselves that the transferer has a clear title to the property, and not merely a life interest in it; that there are no servitudes or prohibitory conditions in the way of transfer; that there are no mortgages upon it in the "debt

registry;" that the diagrams are correct; and that the proper transfer or succession duties have been paid. Thus, without a possibility of fraud, or of the existence of mortgages concealed, the largest, best conditioned, or most involved estate may be sold and transferred from one owner to another on a couple of sheets or less of paper; and the facilities are so great that the time occupied in passing any deeds is not more than about seven days.

The "Master's Office" is another very important department, charged with the performance of duties corresponding to those of a Master of Chancery and a Commissioner of Insolvent Estates combined. It rests with the Master to register wills, to control the proceedings of trustees or executors in the administration of estates and properties of minors, lunatics, and absent persons. He also regulates all proceedings in bankruptcy, and assists the Supreme Court in matters which it refers to him for report of opinion. The duties connected with the administration of minors' and absent persons' estates, are of a specially responsible character.

The inheritance of minors who have no tutors appointed by their parents, and the monies in the hands of tutors dative and curators dative, after payment of the debts due by the estate and the amount required for the immediate maintenance of the person under their guardianship, must be paid into the hands of the Master,—by him put out to interest,—and the interest, when required, paid for their maintenance and education,—at one per cent. less than the usual rate of interest. The monies thus paid into his office, for account of minors, lunatics, and unknown and foreign heirs having no legal representatives in the colony, forms what is denominated the "Guardians' Fund." The capital of this Fund amounts at present to over half a million sterling, and is invested partly in mortgage bonds under security of landed property, and partly in government stock and debentures. The interest at present allowed on minors' inheritances is at the rate of four per cent. This ceases on their attaining their majority

Foreign heirs not having legal representatives in the colony, are allowed at one half of the legal rate current in the colony, and for a period not exceeding five years. Their names and residences, where known, and the amounts due them, are published twice a year, namely, in July and in October, in the Government Gazette, also in the London Gazette and other papers.

Frontier defence is provided for by a semi-military force—the armed and mounted police, numbering 1000 men. The total military expenditure by the colony amounts to £104,859.

The railways constructed in different parts of the country by public and private enterprise cover nearly 300 miles, and several hundred miles additional are now being proceeded with.

The postal system is very complete, a uniform rate being established with the adjacent colonies and states. There is weekly communication by steamer with England, with Natal and the east coast. The inland post offices number 400, and the extent of roads open for posts is upwards of 4,500 miles, of which 4,000 are travelled by cart, and the remainder by horses. There are 2,600 miles of telegraph line, and 63 offices. The metropolis has its daily press, and throughout the other districts there are forty newspapers published. Libraries and museums, chambers of commerce, clubs, hospitals, sailors' homes, and other institutions are established and supported. The number of churches and chapels in connection with the various Christian denominations is about 400. Education is promoted on the aided system by a state expenditure of £37,344; while the local contributions amount to another £43,222. The schools receiving aid from the government number 624; and the children on the rolls, 52,700. Besides these, there are several collegiate institutions, and a colonial university, incorporated under Act of Parliament.

Along the seaboard, harbour works have been constructed for the accommodation of shipping; the coast has been as well lit as the shores of England, and in Table Bay the shelter of secure land-locked docks is offered to the shipping of the world. The

total number of vessels entered at the several ports in 1875 was 1639, with an aggregate register of 909,826 tons. The imports were valued at £5,558,215, and the exports at £4,238,561.

The public revenue of the colony is chiefly contributed by the customs duties (which amount to over £730,000 per annum), land sales, land rents, and native hut-tax, transfer dues, stamps and licences, auction dues, bank note and succession duties, fees, postage and telegraph and railway receipts. The revenue for 1875 was £1,602,918, and the expenditure £1,114,485. The public debt of the government, including debentures issued for railway purchase and construction, now amounts to £2,425,358. This has been almost exclusively expended on public works and other industrial objects.

GRIQUALAND WEST, according to the boundaries proclaimed by the High Commissioner in 1871, extends about 180 miles from east to west, and 140 from north to south, embracing an area of 17,000 square miles. The greater part of this is good grazing country, and though as a rule badly supplied with springs, dams for saving the rainfall may be constructed, whilst recent experience at the "diggings" proves that water is obtainable at no great depth by sinking wells. The valleys of the Vaal and Hart Rivers, by which the country is traversed, contain moreover much fertile land suited for agricultural purposes. The great wealth of Griqualand, however, is in its diamond mines. A few years ago it was comparatively a trackless wilderness. It has since developed riches exceeding the dreams of fancy, which have given an extraordinary impetus to the progress of South Africa.

The Province is divided into three electoral divisions—Kimberley, Barkly, and Hay. The seat of government is at Kimberley, the chief centre of population, where the industry of diamond digging is still pursued with varying but generally successful fortune. To what depth and how long the soil will continue to be diamondiferous are questions which time alone will solve; but

that capitalists take a sanguine view of the future is proved by the high prices still given for "claims." The town-ships which have grown up around the mines, at Kimberley and Du Toit's Pan, also show the permanency of the occupations and trade established there. The straggling camps of digger's tents have given place to settled residences, well ordered streets, market places, stores, banks, churches, and other institutions; and although the buildings as a rule are not of brick and stone, but corrugated iron and wood, yet as regards size, population, and business, these towns are in advance of many of the old-established places in the Cape colony.

No census of Griqualand West has been taken, and its population has fluctuated from time to time. In 1874, it was estimated that 40,000 was the aggregate; now it is computed at about 30,000—namely 7000 to 10,000 whites, 10,000 native labourers from the adjacent territories and the interior, and 10,000 mixed races, inhabitants of the country. The Griquas do not number more than 500 or 600 souls, and are nearly all located in the Griqua Town or Hay district. The other native inhabitants are the Koranas and Batlapins, chiefly residing between the Vaal River and the Hart River. Mr. Ford, the Government Surveyor, describing that part of the country in 1873, states:—"Agriculture is entirely dependent on the summer rainfall—thunder showers. In favourable years, I am informed, that all the rich slopes are cultivated, and yield large crops; there is no attempt at irrigation, though the country affords unusual facilities for making tanks or dams. If rain sufficient falls in the early part of summer the plough and Kafir pick are at work—in every direction the soil is rich and vegetation rapid. Sometimes the crop comes to maturity, and the natives riot in abundance, until, before the close of the ensuing winter, it is all consumed, and they nearly starve on milk and locusts. More frequently, as last year, the rain is insufficient for extensive cultivation, and the young crops are withered by the heat of summer, and absence of moisture. Then the natives

have only milk, locusts, and the bean of a dwarf acacia which grows spontaneously on the alluvial flats, to maintain life with, and eke out a miserable existence, with an occasional feast on one of their flock or herd that has died from accident or disease."

The revenue of Griqualand West has been almost exclusively derived from direct taxation,—the customs duties on the imported merchandise consumed in the province, accruing to the treasuries of the Cape and Natal. In 1872 the revenue was £58,437, and the expenditure £48,604. In 1874, it was £59,753, while the expenditure was £75,786, exclusive of surveys and public works. According to the latest statements published in 1875, the revenue amounted to £90,164, and the expenditure was £101,328. The public debt of the Province is about £250,000, including the amount raised for the purchase of the Kimberley mine, and the expenses of the military expedition in 1875, and the sum paid by the Imperial Government to the Orange Free State in settlement of the boundary disputes. One mine of wealth is still undeveloped in this region, and that is irrigation.

NATAL, the garden colony of South Africa—covers an area of 20,212 square miles. It has a seaboard of 150 miles stretching along the coast from the mouth of the Umtamfuna River, in lat. 31° 10′, to the mouth of the Tugela in lat. 29° 10′ S. The Drakensberg mountains form its inland boundary, separating it from the high plains of Basutoland, the Free State and Transvaal. The latest official returns of the population give a total of 307,501. Of this number 19,990 are whites; 9,147 Indian coolies, and 277,864 natives; but it is acknowledged that the estimate of the natives is an approximate one, and they are usually set down as mustering 350,000. Nearly one-half of the European population are settled in the principal towns—the seaport of Durban containing 4,836, and Pietermaritzburg, the seat of government, 60

miles inland, having 4,300. The remainder are scattered over the villages, mission-stations, plantations and farms.

Along the coast districts, sugar, ginger, coffee, arrowroot, and most of the plants of tropical habit and constitution grow and thrive. Sugar-growing has become the most important industry, and a large amount of capital is employed in it. On the hill-sides and the valleys fields of cane, mills and mill-houses, coolies' quarters, and comfortable planters' residences, some occupying most charming situations, form the main features of a landscape, where twenty years ago the untilled soil was covered with jungle. The annual crop of sugar has for the last two or three years exceeded 10,000 tons—its value averaging £20 per ton. Coffee-growing is another enterprize which has been largely engaged in on the coast, and for a time with great success. In 1871 the yield was over 2,000,000 lbs., but since then there has been a falling off in the crop, attributed by some to the unsuitableness of the plants introduced, and by others to injudicious and erroneous methods of cultivation.

Leaving the coastlands for the central and upland districts, at a distance of 16 miles from the sea, a region of green hilly pastures is entered upon where cattle and horses thrive, and where wheat and oats, the potato, and many of the food crops of Europe can be produced. On the uplands, sheep are becoming abundant, and with care are doing well. Indian corn and tobacco grow everywhere, both on the coast and in the uplands, in the greatest luxuriance. Coal seams of considerable thickness extend for many miles in the division of Newcastle, Klip River country. When the railways, now in course of construction are extended in that direction, those coal mines may be worked with advantage, and thriving communities grow up around them.

A good portion of the coast produce of Natal finds its way into the neighbouring colonies and states. There is also a large trade with the interior. In 1875 the value of the goods imported at the port of Durban was £1,268,838, and the exports £835,643.

The revenue of Natal which in 1848 was not more than £9,268, is now £386,669; and the expenditure £401,426. The receipts are derived from customs and excise duties, land sales, quit-rents, transfer, auction and other dues, and native taxes. The amount raised from the natives last year was from hut-tax £28,000; and from fees and fines under native law £14,225.

All the orthodox institutions of an English community have been transplanted and are flourishing in Natal. The Church of England, the Wesleyan, the Dutch Reformed, the American, German, Norwegian, and the Roman Catholic churches have their clergy and missions in various parts of the colony. The defensive force maintained by Her Majesty's Government consists of a battalion of infantry, a detachment of artillery, and one of engineers; and there is a volunteer force of 300 cavalry and 274 infantry. The public debt of the government in 1875 was £331,600.

THE ORANGE FREE STATE has as its boundaries, on the west and north, Griqualand, Bechuanaland and the Transvaal; and east and south, Natal, Basutoland and the Cape colony. Its area is roughly taken to be about 70,000 square miles, but no accurate computation has hitherto been made. The population is stated to be 50,000 whites and 25,000 coloured inhabitants.

The Government of the state is republican, and its constitution vests the legislative powers in the "Volksraad," the members of which are elected by their constituents for four consecutive years. The whole number of representatives (there being one for each chief town of a district and one for each field cornetcy) is fifty-two. Of this number, the half retire by rotation every two years, and a new election takes place to fill up the vacancies. The Volksraad meets in session annually at Bloemfontein, the capital of the state and the seat of Government. The executive

power rests in the President,* who is elected by suffrage of burghers throughout the whole state. His term of office extends over a period of five years, and he is eligible for re-election. Candidates for the Presidentship are generally recommended by the Volksraad to the burghers, and a change taking place in that office does not affect the tenure of office by the other heads of official departments in this country as is the case in America. The President is assisted by the Executive Council, in which the Landdrost of Bloemfontein, and the Government Secretary have seats as official members; and three others chosen by the Volksraad from among the most influential men in the neighbourhood of the chief town of the state, form the un-official members provided for in the constitution. The un-official members hold office for three years, retiring successively, and are eligible for re-nomination by the Volksraad.

The chief executive officer in each district is the Landdrost, who is clothed with the functions of Magistrate and Civil Commissioner, and is assisted in his duties by the Landdrost's clerk, who is at the same time Clerk of the Peace, Distributor of Stamps and Postmaster. Each district has further its sheriff and deputy, its gaoler and staff of constables. The Government provides for offices and gaol. Each district is divided into the necessary number of wards, each of which elects a field cornet, under whom it serves, and who has certain judicial, and in times of war military powers. All the wards combine in the election of a Commandant, who is the military head of the entire district in times of war or disturbance, and takes the chief command over all the burghers of the several field-cornetcies of his district on commando.

* Johannes Henricus Brand, the President of the Orange Free State, is the eldest son of the late Sir Christoffel Joseph Brand, first Speaker of the House of Assembly of the Cape colony. He was born at Cape Town, on the 6th of December, 1823. He studied at the University of Leyden, and obtained there, in 1845, the degree of Doctor of Civil Law. He was called to the English Bar at the Inner Temple in 1849, after which he returned to the Cape. He practised as an advocate of the Supreme Court of the Cape of Good Hope from September 1849 to November 1863, and held the Chair of Law in the South African College from 1858 to 1863. He was elected President of the Orange Free State in 1863, and again in 1868 and in 1873.

As soon as the various district contingents have taken the field and before active operations against the enemy are commenced, the officers, viz., the commandants and field-cornets of the several contingents meet, and proceed to the election of a Commandant-General from among their number, who, thereupon, makes over his own charge to an elected successor, and takes the supreme command of the whole commando, receiving his instructions from the President. All residents from 16 years of age up to 60 are liable to commando duty if they have no legal reason for exemption; but none under 18 years are called up unless absolute necessity demands it.

Burghers of the state are constituted by the three following classes, viz., 1st, whites who were born in the state; 2nd, whites who have resided in the state during one year, and have fixed property to the amount of £150 registered in their names; 3rd, whites who have resided in the state for three successive years.

All burghers who have attained the age of 18 years and have their names registered with the field-cornet of their district, are competent to exercise the right of voting in the election of field-commandants and field-cornets.

All major-burghers are competent to vote for the election of the Volksraad and of the state President; and the same privilege is open to those who are lessees of fixed property of the yearly rent of the value of at least £36, or who have a fixed yearly income of at least £200, or who are owners of moveable property of the value of at least £300 and have resided in the state for at least three years.

The administration of justice is regulated by the local ordinances enacted from time to time by the Volksraad and further according to Roman Dutch Law. A High Court, consisting of a chief justice and two puisne judges, has been constituted since 1872; and the gentlemen appointed to the bench have been chosen from the members of the Cape bar. These judges also hold circuit courts at stated periods throughout the state. The Landdrost's

courts have police and criminal jurisdiction, and can bind over in the sum of £100 for six months; fine up to £5; imprison for three months with hard labour, with corporal punishment up to 25 lashes; while it has a civil jurisdiction in all cases up to £37 10s. Special laws, however, give this court a higher jurisdiction in certain offences.

Education is receiving much attention. An Inspector of Schools has been appointed, and steps have been taken by which a standing fund of £178,000 will be available in a few years solely for educational purposes, thus placing the support of education totally independent of the ordinary revenue of the country.

The constitutional church of the state is the Dutch Reformed, the chief governing body of which, namely the Synod, meets once every three years. The various congregations of the state are classed under two circuits or "Rings," and each Ring meets yearly. Each congregation is governed locally by the Kerkeraad. Under this church there are at present 18 congregations, 15 of which receive state support. Besides the Dutch Reformed Church a branch of the Anglican Church of South Africa represented by the Bishop of Bloemfontein and a numerous staff of clergy, is established in the Orange Free State. The Bishop resides at Bloemfontein, and congregations of this church are ministered to in Smithfield, Bethulie, Philippolis, Harrismith, Modderpoort, Thaba 'Nchu, and other places. The English Minister at Smithfield is the only one of this body receiving state support. The Wesleyan Methodist Church also has a circuit in the Orange Free State, under a superintendent, resident at Bloemfontein, and a numerous body of ministers, and has congregations at Fauresmith, Smithfield, Harrismith, Thaba 'Nchu, &c. It receives state support towards the churches at Bloemfontein and Fauresmith. The Evangelical Lutheran Church is represented in the state by a superintendent and several ministers, who labour at Bloemfontein, Bethany, and other parts of the state, and during the session of 1874 the Volksraad granted £100 yearly to the

support of the congregation at Bloemfontein. Finally the Roman Catholic Church, under the care of a priest, is ministering to the wants of its people at Bloemfontein.

The revenue of the country is raised by quit-rents, on farms, transfer dues, stamp duties, and fees in the various governmental departments, licenses, hire of state lands, hut tax on the coloured population and from various other sources, the mode of taxation being for the greater part indirect. The Cape colony and Natal receive the customs dues on all goods imported for consumption. The financial condition of the state, however, is good. Its revenue has steadily increased from 1856-7, when it only amounted to £15,000 per annum, until now it is £120,000. During the continuance of the last Basuto war, a paper currency to the amount of £130,000 had to be issued, and for a long time it was not valued at more than half the coinage it represented. Nearly the whole of it has since been redeemed. The state of the public funds now is such as will enable the Government shortly to enter upon the prosecution of reproductive public works.

The Government lands of the state are still very considerable, though small compared with their original size, owing to the sales of farms which have been held from time to time by the Executive. The value of fixed property of all kinds has increased greatly within the last few years. Even in the districts of Harrismith and Cronstadt, where land formerly was almost valueless, farms are now eagerly sought after and change hands at very high rates. The average value of land throughout the whole state may now be fixed at 10s. per morgen, or 5s. per acre. A rough estimate fixes the number of farms throughout the country as between six and seven thousand.

Fixed property changes ownership by registration. The mode of registration of deeds of all descriptions in the Orange Free State is generally held to be more publicly useful than that in vogue in the colonies. There is a sub-registry office in each district, while the Chief Deeds Registry Office is at Bloemfontein.

The transfer or other deeds are passed before the Registrar of Deeds, or the Landdrost of the district as his representative, as the case may be, and after registration at the head office, by which the deed obtains validity, are also registered in the district, so that full information can at once be obtained regarding any property at its district office.*

The TRANSVAAL or SOUTH AFRICAN REPUBLIC embraces the territory between the Vaal River and the Limpopo River, comprising an area of about 115,000 square miles. Its eastern boundary is the Lobombo hill-range, separating it from the Portuguese possession of Delagoa Bay, and the Drakensberg, dividing it from the Amatonga and Zulu tribes. Its western border, according to the Keate award, is the Maquassi Spruit or Pogola River, separating it from the Batlapin tribes, although the state still claims the country west to the Hart River. The white population of the state is computed at 30,000, and the coloured population at from 250,000 to 300,000 souls.

The Transvaal possesses natural advantages superior to any other part of colonised South Africa. It has a well-watered and fertile soil, rich pastures, valuable mineral deposits, and a climate at all seasons favourable to Europeans. For the purposes of description, it may be conveniently divided into three classes of country—namely, the Hooge veld (high country); the Banken veld (terrace country); and the Bush veld (bush country).

The portion lying south of the 25th parallel of latitude—from Leydenburg down to New Scotland, thence along the Drakensberg and extending westward through Nazareth along the Witwater's-

* For much of the above information respecting the present condition of the Orange Free State, I beg to acknowledge my obligations to J. G. Fraser, Esq., Secretary of the Volksraad, and Master of the Orphan Chambers.

rand to the southward of Pretoria to Lichtenburg, at the sources of the Hart River, belongs to the first-class—the high veld. Most of this is a magnificent upland country, having an altitude of 4,000 feet, and in some parts as much as 7,000 feet, above the sea-level. The climate is healthy. The winter months, from the middle of May to October, being very cold, but dry; and the rains descending in heavy downpours only in summer.

The Banken veld is that portion of the country lying at the edge of the high veld along the slopes of the Drakensberg or Witwater's-rand, where it breaks off into the lower level or Bush veld. It is nowhere very wide, and consists of broken hilly or mountainous land, intersected by deep ravines or kloofs, very picturesque as regards scenery, well watered, and generally well wooded with small trees. It possesses the advantage of good grazing for both summer and winter. Horned cattle thrive well all the year round; while sheep and horses do well on some farms, and on all during the winter months. These lands, when not too hilly, are admirably adapted for cultivation, as the abundant supply of water allows of irrigation. Minerals of value will probably be found when properly searched for.

The Bush veld includes all the country north and north-east of the line previously alluded to; much of it is less than 4,000 feet above sea level, and some portions therefore are not healthy, for which reason even the Kafirs who live there occasionally suffer from fever. As a rule water is scarce, excepting along the Magaliesberg, and in Marico, and the courses of the principal rivers. It is for the most part covered with small trees, such as Mimosa. Along the banks of the Limpopo River, and in among some of the hills, trees of large size grow, such as the Apies Dooru, but they are not numerous. All descriptions of stock do well on the sweet grasses of the Bush veld in winter; but no stock, except in a few places, are proof against the climate in summer. The only use to which Bush veld farms are at present applied is the grazing of stock during the cold season, for about

four months. As a consequence, permanent improvements are not likely to be made in this tract unless minerals of such worth are discovered as to make them necessary. Grain grows well and yields handsomely under irrigation as a winter crop. Fruit trees of many descriptions also do well; and sugar and coffee thrive in many places where the ground can be irrigated. Farms here are at present, however, principally of value as adjuncts to those in the Hooge veld.

Most of the Hooge veld is occupied as grazing farms. Stocks, such as sheep, horned cattle, horses, goats and pigs, thrive remarkably well. It is necessary, however, to keep horses on the higher hills during summer, as the horse-sickness is troublesome over this as well as other parts of South Africa. Under irrigation, wheat, oats, and other cereals grow well in winter, and yield heavy crops. Leydenburg district is specially adapted for the growth of wheat, &c., as it possesses abundance of water easily utilized, and soil of a most fertile character. Maize grows in summer without irrigation, as the rains suffice. Vegetables of all descriptions thrive and yield well. Most kinds of fruit-trees, such as oranges, lemons, guavas, bananas, loquats, apples, pears, mulberries, plums, peaches, apricots, &c., bear prolific crops and grow very rapidly. Forest trees flourish wherever there is water; the most luxuriant and rapid growing is the blue-gum, but oaks, willows, poplars, &c., also thrive well. The circumstances of climate and soil are all that could be desired.

Many useful minerals are contained in this tract. Coal-bearing strata stretch from the Vaal River to within a few miles of Middleburg, and within about 35 miles of Pretoria. The coal occurs in seams of sufficient thickness to be worked with profit. Iron ores are found at Pretoria and in many other places in considerable quantities, and of rich quality. Copper ores crop up at various parts, but in small quantities; and at the source of the Groot Marico River a rich lead-mine has been opened. Cobalt, pyrites, and bloom (homatite), is being worked with good results at a mine

situate on Salmis River, about 30 miles northward from Nazareth or Middleburg. Other deposits of noticeable minerals will eventually be discovered as igneous rocks and the formations congenial to mineral deposits exist.

Gold-mining operations have been carried on since 1871. Near Marabastad there are reef-diggings worked by an English Company. At the new Caledonia Fields, the gold occurs as an alluvial deposit, and nuggets weighing up to 17 lbs. 11 oz. have been found. These diggings, which are situate about 35 miles from Leydenburg, and three to four days' journey from Delagoa Bay, have only been worked for the two last years; and although the digging population has as yet been very limited in number, the auriferous area has been found to be payable on the whole, and extremely rich in some places. The principal camps at present are at Pilgrim's Rest, Blyde (or Glad) River, and Mac Mac, so called from the first discoverer Maclachlan. At Pilgrim's Rest, banks, churches, and hotels have been established. The Cape Commercial Bank of Cape Town has a branch there, as well as at Pretoria and other towns of the Transvaal; and they have sent to England through their agents, the London and County Bank, during the last two years, about 22,000 oz. of gold, valued at about £84,000, the yield of these fields.

The Republican Constitution or "Grondwet" of the Transvaal was proclaimed in 1858, but alterations of it have been made from time to time by resolution of the Volksraad, the representative body in whom the powers of government are vested. The members of the Volksraad number 42—three members for each district, and four separate members for the chief towns of the Republic—Potchefstrom, the capital; Pretoria, the seat of government; Rustenburg and Leydenburg—and two for the Gold-fields. The qualification for membership of the Volksraad is burghership for three years, possession of fixed property, and being attached to a Protestant church. The qualification for burghership is a residence of one year in the country, and the possession of fixed

property; or the payment of £7 10s., and taking the oath of allegiance to the government.

The administration is in the hands of the Executive Council, consisting of the state President, elected for five years by a general election throughout the state; the state Secretary, who is elected by the Volksraad for five years; and three unofficial members chosen by the Volksraad. The law courts are presided over by the landdrosts or magistrates of each district; and the highest or Supreme Court is formed of three landdrosts and a jury of twelve burghers. All inhabitants of the state between 16 and 60 years of age are liable to military service; and owners of land residing beyond the limits of the Republic are subject to a war-tax in case of war. Those inhabitants who are "commandeered," or called out on commando, must provide themselves with arms and means of transport. They are entitled to a share of all booty taken, after certain deductions are made in favour of the government.

In 1872, when Mr. Burgers was chosen as President the affairs of the Republic were in a position the reverse of flourishing. He found the Treasury empty, a paper currency which had been issued in 1865 at a great discount, and the state without credit. In a short time he initiated an active and progressive policy, which infused new spirit into the country. With the approval of the Volksraad, he succeeded in negotiating for a loan of £60,000 from the Cape Commercial Bank of Cape Town, for the purpose of redeeming the government notes at par. He engaged a member of the Cape bar to aid him in reforming the laws of the state. He submitted measures for the accurate survey of all public waste lands; for the appointment of a judge, and for the promotion of education. He designed a new flag, and had some of the nuggets from the gold-fields converted into a coinage for the Republic. Most important of all, he asked for and obtained authority to effect a loan of half a million for the construction of a railway on the 3-ft. 6-in. gauge from the Portuguese port of Delagoa Bay to the Drakensberg. The President's

friends, as well as the old inhabitants of the Republic, were astounded at this bold attempt to bring the state up to a footing of civilization and progress.

In 1875, Mr. Burgers proceeded to Europe, and while there succeeded in concluding a treaty with Portugal, by which the Portuguese government undertook to subsidise the proposed railway to the amount of the cost of its construction over their territory in the neighbourhood of Delagoa Bay. At the same time he arranged in Holland for a railway loan (£90,000 of which was at once taken up) on debentures bearing interest at 6 per cent., and secured by a mortgage on 1,500,000 morgen of the lands of the republic.

During the President's absence, however, the state was drifting into war and insolvency. A tribe of Basutos, named the Bapedi, under the chief Secocoeni, occupied the mountain country adjoining Leydenburg. Some of them refused to pay hut-tax to the government and molested the farmers who were settled near to them. Constant complaints reached Pretoria of cattle-stealing and acts of violence committed. In April 1876, when Mr. Burgers returned, special messengers were sent to Secocoeni, requiring him to restrain his subordinate chiefs and people, and to make good the losses occasioned by them. The chief intimated that he was willing to return the stolen cattle, but he nevertheless laid claim on behalf of his tribe to the district of Leydenburg, and part of the adjacent country, including Pretoria. The matter was laid before the Volksraad, then in session, and it was resolved by unanimous vote that the Government should no longer delay in taking active steps to maintain the rights of the burghers. War was declared against the Bapedi, and a large commando, consisting of farmers and native allies, marched into the country occupied by them. One of Secocoeni's chief men, Johannes, was killed, and some outlying kraals and fortified places were taken. The burgher forces, under their commandants, and accompanied by the President, then moved on to attack Secocoeni's town, situated in

a range of craggy and rugged mountains, rising abruptly from the plain or basin, and difficult of access or assault by untrained and irregular forces. The commando mustered 540 wagons, 2,500 white men, and about an equal number of natives. Two divisions attempted to carry the place by a night attack. One body, after some difficult climbing and skirmishing, gained a position near to the town, but on day breaking they found themselves unsupported, the main body not having come to meet them as agreed upon; some of their number, when called upon to move forward, taking refuge in the gulleys and other places of shelter. The whole body afterwards beat a retreat. The moral effect of this disgraceful failure, coupled with the prevailing lack of discipline and the known scarcity of provisions and ammunition, produced a general meeting in the camp. With one voice the men declared they would not storm the mountain again, and their determination to return to their homes. A few remained obedient to orders with the President, but with such diminished numbers he had no choice left but to return to Leydenburg.

The Volksraad was summoned to assemble to consider the "situation." As a temporary measure, the prosecution of the war was entrusted to volunteers. But very soon afterwards it was happily brought to a conclusion;* the terms of peace agreed upon being the payment by Secocoeni of 2,000 head of cattle, and his acknowledgment of the supremacy of the Republic.

Meanwhile the financial affairs of the state became embarrassing. The ordinary revenues of the country were unequal to the strain put upon them. A special war-tax of £10 on every owner of a farm was assessed. To many of the old burghers, taxation has always appeared as a form of oppression; and this new impost was regarded in that light. They refused to pay the taxes. The government found itself without funds,—the salaries of officials

* This unfortunately does not prove to be a permanent or favourable one.

remaining unpaid as well as the interest of the public debt;* and owing to the divisions among its people, it was powerless to enforce its authority.

Again the Volksraad was convened in extraordinary session in February 1877, when the alternative was put before the members that there must be a radical reform of the whole constitution,—legislative, executive, and judicial,—and that the burghers must loyally, promptly, and vigorously act up to their legal obligations, and support the government of their own choosing; or else accept Earl Carnarvon's proposals for Confederation with the South African state and colonies under the British flag. At this very time Sir Theophilus Shepstone was at Pretoria, as a Special Commissioner from Her Majesty the Queen. He was deputed to confer with the government on the subject of Confederation, and particularly in regard to native affairs, and the complications and possible eventualities arising out of the condition and line of action of the state, which might unfavourably affect the peace of the neighbouring British colonies and the whole of this portion of the continent.

Memorials and addresses were presented to the President and the Volksraad to avail themselves of the opportunity thus presented of saving the state from the civil disorder which was hovering over it, either by accepting confederation or annexation to the British Crown.†

The large majority of the Volksraad, being of the uncompromising "independence party," opposed these views; but they

* The ordinary revenue of the Republic is derived from quit-rents on farms, licences, stamps and fees, a wagon duty on traders passing through the country, an import duty on goods imported by storekeepers, and other sources. The extraordinary taxes are for the railway loan, £1 10s. on all farms; and for war expenses, £10 for every resident proprietor of a farm, and £12 for foreign proprietors.

The revenue in 1872 amounted to £40,988, and the expenditure £35,714. In 1875 the revenue was £69,928, and the expenditure £69,893. The present liabilities of the State are £250,000, inclusive of £90,000 raised for the railway loan.

† This has since been happily effected on 12th April, 1877.

offered no suggestion or scheme for the rescue of the country from its difficulties, and the anarchy which seems inevitable, unless its affairs are placed in the hands of a strong government, under which alone its people can expect security, prosperity, and progress.

What of the Native Races? the reader may ask. Has the extension and enlargement of European dominion in South Africa benefitted them? Has their condition been improved by contact with the white man? And what are their prospects for the future?

Passing over the early days of colonization, and the series of miserable wars in later years, for which changes of governors and changes of policy were in some degree responsible, we may limit our observations to the period embraced within the last quarter of a century, dating from the commencement of Sir George Grey's administration. During this time peace has been uninterruptedly enjoyed within the British frontiers. The natives have been treated in all respects with justice and consideration. Large tracts of the richest land are expressly set apart for them under the name of "reserves" and "locations." The greater body of them live in those locations, under the superintendence of European magistrates or missionaries, who set them an example of consistent moral conduct, impart instruction, and assisting them in everything tending to advancement in civilization. Many have individual titles to land, granted by the government; others have acquired property themselves by purchase or lease; and not a few even keep accounts in the local banks, and such expensive civilized luxuries as divorce cases and actions for breach of promise of marriage are not entirely unknown; and, as a whole, they are now enjoying far greater comfort and prosperity than ever they did in their normal state of barbaric independence and perpetually-recurring tribal wars, before coming into contact with Europeans.

The aim of the policy of the Colonial Government since 1855 has been to maintain peace, to diffuse civilization and christianity, and to establish society on the basis of individual property and independent personal industry. The agencies employed are the

magistrate, the missionary, the schoolmaster, and the trader. the educational efforts put forth are extensive; and pre-eminent amongst them is the Industrial and Training Institution at Lovedale. "These efforts," observes Dr. Dale, the Colonial Superintendent-General of Education, "must commend themselves to the statesman and the politician, as providing the best guarantees for good order and commercial development. With school instruction come habits of enterprise and self-reliance. The wants of civilized life necessitates some degree of industry, and thus wealth accumulates in private hands. Every native who owns a plot of land, or a plough, or a wagon and oxen, is a hostage for peace."

The process of social elevation and enlightenment is slow, and requires patience. The changing of the habits and customs of a barbarous people cannot be carried out in a day. A most hopeful indication at present, is their industrial progress. The official reports of the agents and magistrates connected with the Native Department, shew that they are materially benefitting by contact with Europeans. The demand for household requisites and clothing, and for agricultural implements, is greatly on the increase. Improvement in living induces improvement in mind; and many natives now pay for the education of their children, whereas formerly they considered that they conferred a favour by sending them to the mission institutions. They are thus acquiring wants which can only be supplied by industry, inducing among them a spirit of work and labour as opposed to the spirit of idleness hitherto characteristic of their race. Their commercial relations are yearly growing more and more important. The purchasing power of the Border tribes (Kafirs, Fingoes, and Basutos), within the circle of King William's Town, is not less than £400,000; while the productions, such as wool, mohair, hides, horns, goat and sheep skins, tobacco, grain, and cattle. are estimated at £750,000 per annum.

The advantages and value of British rule have of late years

struck root in the native mind over an immense portion of South Africa. They realize that it is a protection from external encroachment, and that only under the *ægis* of "the government" can they be secure and enjoy peace and prosperity. Influenced by this feeling, several tribes beyond the colonial boundaries are now eager to be brought within the pale of civilized authority; and ere long Her Majesty's sovereignty will be extended over fresh territories, with the full and free consent of the chiefs and tribes inhabiting them.

One special feature in connection with the native races cannot be overlooked. The American Indians have nearly vanished. The Maori's of New Zealand are melting away. The South African Kafir tribes, however, are enormously increasing, with the exception of the original Bushmen, who are virtually extinct or merged by inter-breeding with the Koranna, Namaqua, and similar tribes of the old Hottentot races. and slowly but gradually progressing in civilization.

Here then, if anywhere, the problem may be solved, whether the white and the black races cannot live side by side, proving friendly and useful to each other, and aiding and co-operating in the advancement and development, morally and materially, of the capabilities and resources of this vast Continent.

APPENDIX.

List of Governors of the Cape Colony,

FROM THE FIRST CONQUEST OF THE CAPE BY THE IMPERIAL GOVERNMENT TO THE PRESENT DAY.

DATE.	
1796.	General Craig, first English Governor.
1797.	Earl Macartney. De Oude-Edelman of Dutch Boers.
1798.	Sir F. Dundas, Lieut.-Gov.
1801.	Cape Restored to the Batavian Republic.
1803.	General Janssens, Governor
1806.	Cape capitulates to English. Sir D. Baird, Governor.
1807.	Earl Caledon, Governor.
1811.	Hon. H. G. Grey, Lieut.-Governor.
—	Sir J. F. Cradock, Governor.
1813.	Hon. R. Meade, Lieut.-Governor.
1814.	Lord Charles Somerset, Governor.
1820.	Sir Rufane Donkin, Acting-Governor.
1821.	Lord C. Somerset, Governor.
1826.	R. Bourke, Lieut.-Governor.
1828.	Sir Lowry Cole, Governor.
1833.	Lieut.-Col. Wade, A.A.
1834.	Sir Benjamin Durban, Governor.
1836.	Sir A. Stockenstrom, Lieut.-Governor E.P.
1838.	Sir G. Napier, K.C.B.
1839.	Col. J. Hare, Lieut.-Governor E.P.
1844.	Sir P. Maitland.
1847.	Sir H. Pottinger, Bart.
—	Sir H. Young, Lieut.-Governor.
—	Sir Harry W. Smith, Governor.
1852.	Hon. Sir G. Cathcart.
—	C. H. Darling, Lieut.-Governor.
1853.	Gen. Jackson, Lieut.-Governor.
1854.	Sir G. Grey, Bart., Governor.
1859.	Gen. Wynyard, Lieut.-Governor.
1861.	Sir P. Wodehouse, Governor.
1863.	Sir P. Douglas, Lieut.-Governor.
1868.	Lieut.-Gen. Hay, Lieut.-Governor.
1870.	Sir H. Barkly, Governor.
1877.	Sir Bartle Frere.

APPENDIX.

Annexation of the Transvaal.

The following is the text of the official documents proclaiming the Transvaal British Territory, published in a *Gazette Extraordinary*, dated Pretoria, Transvaal, 12th April, 1877 :—

Commission appointing Sir Theophilus Shepstone, K.C.M.G., of Natal, to be a Special Commissioner for certain purposes.

VICTORIA R.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To Our Trusty and Well Beloved SIR THEOPHILUS SHEPSTONE, Knight Commander of our Most Distinguished Order of Saint Michael and Saint George, greeting:—

Whereas grievous disturbances have broken out in the territories adjacent to our colonies in South Africa, with war between the white inhabitants and the native races, to the great peril of the peace and safety of our said colonies; and whereas, having regard to the safety of our said colonies, it greatly concerns us that full inquiry should be made into the origin, nature, and circumstances of the said disturbances, and with respect to the measures to be adopted for preventing the recurrence of the like disturbances in the future; and whereas, it may become requisite to this end that the said territories or portions of them should be administered in our name and on our behalf. Now know you that we, reposing especial trust and confidence in the loyalty and fidelity of you, the said Sir Theophilus Shepstone, have appointed you to be our Special Commissioner for the purpose of making such inquiry as aforesaid, and we do authorise and require you with all convenient dispatch, and by all lawful ways and means

to enter upon such inquiry, and we do require you to communicate to us through one of our Principal Secretaries of State, any facts which ought to be made known to us, as well as any opinions which you may think fit to express thereon, and if the emergency should seem to you to be such as to render it necessary, in order to secure the peace and safety of our said colonies, and of our subjects elsewhere, that the said territories, or any portion or portions of the same should provisionally, and pending the announcement of our pleasure, be administered in our name and on our behalf, then, and in such case, only, we do further authorise you, the said Sir Theophilus Shepstone, by proclamation under your hand, to declare that from and after a day to be therein named so much of any such territories as aforesaid as to you, after due consideration, shall seem fit, shall be annexed to, and form part of our dominions. And we do hereby constitute and appoint you to be thereupon Administrator of the same provisionally and until our pleasure is more fully known. Provided, First: That no such proclamation should be issued by you with respect to any district, territory, or state, unless you shall be satisfied that the inhabitants thereof, or a sufficient number of them, or the Legislature thereof desire to become our subjects; nor if any conditions unduly limiting our power and authority therein are sought to be imposed. And, secondly, that unless the circumstances of the case are such as in your opinion, make it necessary to issue a proclamation forthwith, no such proclamation shall be issued by you until the same has been submitted to and approved by our trusty and well-beloved Sir Henry Barkly, Knight Grand Cross of our most Distinguished Order of Saint Michael and Saint George, Knight Commander of our most Honourable Order of the Bath, our Governor and Commander-in-chief of our Colony of the Cape of Good Hope, and our Commissioner for the settling and adjustment of the affairs of the territories adjacent or contiguous to the Eastern Frontier of our said Colony of the Cape of Good Hope. And we do further require that you do in all things conform to such instructions as shall at any time be addressed to you by us through one of our Principal Secretaries of State; and we do strictly charge and command all our officers, civil and military, and all other our faithful subjects, that in their several places, and according to their respective powers and opportunities, they be aiding to you in the execution of this our commission. And for so doing this shall be your warrant.

Given at our court, at Balmoral, this fifth day of October, 1876, in the fortieth year of our reign.

By Her Majesty's Command,

CARNARVON.

PROCLAMATION

By His Excellency Sir Theophilus Shepstone, Knight Commander of the most distinguished Order of St. Michael and St. George, Her Majesty's Special Commissioner for certain purposes in South Africa.

Whereas at a meeting held on the sixteenth day of January, in the year of our Lord one thousand eight hundred and fifty-two, at the Sand River, between Her Majesty's Assistant Commissioners, Major Hogge and C. M. Owen, Esq., on the one part, and a deputation from the emigrant farmers then residing north of the Vaal River, at the head of which was Commandant-General A. W. J. Pretorius, on the other part, the said Her Majesty's Assistant Commissioners did "guarantee in the fullest manner on the part of the British Government to the emigrant farmers north of the Vaal River, the right to manage their own affairs, and to govern themselves according to their own laws, without any interference on the part of the British Government;"

And whereas the evident objects and inciting motives of the Assistant Commissioners in granting such guarantee or permission to persons who were Her Majesty's subjects, were "to promote peace, free trade, and friendly intercourse" with and among the inhabitants of the Transvaal, in the hope and belief that the territory which a few years afterwards, namely, in February, 1858, became known by the style and title of "The South African Republic," would become a flourishing and self-sustaining state, a source of strength and security to neighbouring European communities, and a point from which Christianity and civilization might rapidly spread towards Central Africa.

And whereas the hopes and expectations upon which this mutual compact was reasonably and honorably founded have been disappointed, and the circumstances as set forth more at length in my address to the people, of to-day's date, hereunto attached, show that increasing weakness in the state itself on the one side, and more than corresponding growth of real strength and confidence among the native tribes on the other, have produced their natural and inevitable consequences, as will more fully appear from a brief allusion to the facts that after more or less of irritating contact with aboriginal tribes to the north, there commenced about the year 1867 gradual abandonment to the natives in that direction, of territory settled by burghers of this state, in well-built towns and villages, and on granted farms; that this was succeeded by the extinction of all effective rule over extensive tracts of country, included within the boundaries of the state, and as a consequence by the practical independence, which still continues of large native tribes residing therein, who had until then considered themselves subjects.

That some few farmers, unwilling to forfeit homes which they had created for their families, and to which they held grants from the Government of the Transvaal, which grants had, however, ceased and still fail to protect them in their occupation, made terms with the chiefs, and now occupy their farms on conditions of periodical payments to those chiefs, notwithstanding the acknowledgment which such payments involve.

That this decay of power and ebb of authority in the north is being followed by similar processes in the south under yet more dangerous circumstances, people of this state residing in that direction have been compelled within the last three months at the bidding of native chiefs, and at a moment's notice, to leave their farms and homes, their standing crops, some of which were ready for reaping, and other property, all to be taken possession of by natives, but that the Government is more powerless than ever to vindicate its assumed rights, or to resist the declension that is threatening its existence. That all confidence in its stability once felt by surrounding and distant European communities has been withdrawn. That commerce is well nigh destroyed. That the country is in a state of bankruptcy. That the white inhabitants, discontented with their condition, are divided into factions. That the Government has fallen into helpless paralysis from causes which it has been and is unable to control or counteract. And that the prospect of the election of a new president, so far from allaying the general anxiety, or from inspiring hope in the future, is looked forward to by all parties as most likely to result in civil war with its attendant anarchy and bloodshed;

That the condition above described affords strong temptation to neighbouring native powers, who are known to be anxious and ready to do so, to make attacks and inroads upon the state, which from its weakness it cannot repel, and from which it has hitherto been saved by the restraining influence of the British Government, exercised from Natal by Her Majesty's representative in that colony, in the hope, yet unfulfilled, that a friendly understanding might be arrived at between the Government of the Transvaal and the complaining native chiefs;

That the Secocoeni war, which would have produced but little effect upon a healthy constitution, has not only proved suddenly fatal to the resources and reputation of the Republic, but has shown itself to be a culminating point in the history of South Africa, in that a Makatee or Basuto tribe, unwarlike, and of no account in Zulu estimation, successfully withstood the strength of the state, and disclosed for the first time to the native powers outside the Republic, from the Zambesi to the Cape, the great change that had taken place, in the relative strength of the white and the black races; that this disclosure at once shook the *prestige* of the white

man in South Africa, and placed every European community in peril, that this common danger has caused universal anxiety, has given to all concerned the right to investigate its causes, and to protect themselves from its consequences, and has imposed the duty upon those who have the power to shield enfeebled civilization from the encroachments of barbarism and inhumanity;

And whereas the inherent weakness of this Government and state from causes above alluded to, and briefly set forth, and the fact that the past policy of the Republic has not only failed to conciliate the friendship and goodwill, but has forfeited the respect of the overwhelming native populations within and beyond its boundaries, which together probably exceed one and a half millions, render it certain that the Transvaal will be the first to suffer from the consequences of a pressure that has already reduced its political life to so feeble a condition.

And whereas the ravaging of an adjoining friendly state by warlike savage tribes cannot for a moment be contemplated by Her Majesty's Government without the most earnest and painful solicitude, both on account of the miseries which such an event must inflict upon the inhabitants of the Transvaal, and because of the peril and insecurity to which it would expose Her Majesty's possessions and subjects in South Africa, and seeing that the circumstances of the case have, from the inherent weakness of the country already touched upon, become so grave, that neither this country nor the British colonies in South Africa can be saved from the most calamitous circumstances except by the extension over this state of Her Majesty's authority and protection, by means of which alone oneness of purpose and action can be secured, and a fair prospect of peace and prosperity in the future be established;

And whereas I have been satisfied by the numerous addresses, memorials, and letters which I have received, and by the abundant assurances which personal intercourse has given me, that a large proportion of the inhabitants of the Transvaal see in a clearer and stronger light than I am able to describe them, the urgency and imminence of the circumstances by which they are surrounded, the ruined condition of the country, and the absence within it of any element capable of rescuing it from its depressed and afflicted state, and therefore earnestly desire the establishment within and over it of Her Majesty's authority and rule; and whereas the Government has been unable to point out or devise any means by which the country can save itself, and as a consequence relieve the other white communities of South Africa from the danger of the dire events, certain speedily to result from the circumstances by which it is surrounded, and can entertain no reasonable hope that it possesses, or is likely under its present form of Government to possess the means to raise itself to a safe and prosperous condition.

And whereas the emergency seems to me to be such as to render it necessary in order to secure the peace and safety of the Transvaal territory as well as the peace and safety of Her Majesty's colonies and of Her Majesty's subjects elsewhere that the said Transvaal territory should provisionally and pending the announcement of Her Majesty's pleasure be administered in Her Majesty's name and on her behalf;

Now, therefore, I do, in virtue of the power and authority conferred upon me by Her Majesty's Royal Commission, dated at Balmoral, the fifth day of October, 1876, and published herewith, and in accordance with instructions conveyed to me thereby and otherwise, proclaim and make known that from and after the publication hereof, the territory heretofore known as the South African Republic, as now meared and bounded, subject however to such local modifications as may hereafter appear necessary, and as may be approved of by Her Majesty, shall be and shall be taken to be British territory, and I hereby call upon and require the inhabitants of the Transvaal, of every class and degree, and all Her Majesty's subjects in South Africa to take notice of this my Proclamation and to guide themselves accordingly.

And I hereby further proclaim and declare that I shall hold responsible all such persons who in the Transvaal shall venture opposition, armed or otherwise, to Her Majesty's authority hereby proclaimed, or who shall by seditious and inflammatory language or exhortations or otherwise incite or encourage others to offer such opposition, or who shall injure, harass, disturb, or molest others because they may not think with them on political matters, and I do warn all such that upon conviction of any of the above offences they will be liable to the severe penalties which the law in such cases ordains; and I hereby appeal to and call upon the orderly, right-thinking, and peace-loving people of the Transvaal to be aiding and supporting Her Majesty's authority.

And I proclaim further that all legal courts of justice now in existence for the trial of criminal or civil cases or questions are hereby continued and kept in full force and effect, and that all decrees, judgments and sentences, rules and orders, lawfully made or issued, or to be made or issued by such courts shall be as good and valid as if this Proclamation had not been published; all civil obligations, all suits and actions civil, criminal, or mixed, and all criminal acts here committed which may have been incurred, commenced, done, or committed before the publication of this Proclamation, but which are not fully tried and determined, may be tried and determined by any such lawful courts or by such others as it may be found hereafter necessary to establish for that purpose.

And I further proclaim and make known that the Transvaal will remain a separate Government, with its own laws and legislature, and that it is the wish of Her Most Gracious Majesty that it shall enjoy the fullest legislative privileges compatible with the circumstances of the country and the intelligence of its people. That arrangements will be made by which the Dutch language will practically be as much the official language as the English; all laws, proclamations, and Government notices will be published in the Dutch language; in the Legislative Assembly members may as they do now use either language; and in the courts of law the same may be done at the option of suitors to a cause. The laws now in force in the State will be retained until altered by competent legislative authority.

Equal justice is guaranteed to the persons and property of both white and coloured; but the adoption of this principle does not and should not involve the granting of equal civil rights, such as the exercise of the right of voting by savages, or their becoming members of a legislative body, or their being entitled to other civil privileges which are incompatible with their uncivilized condition.

The native tribes living within the jurisdiction and under the protection of the Government must be taught due obedience to the paramount authority, and be made to contribute their fair share towards the support of the state that protects them.

All private *bonâ fide* rights to property, guaranteed by the existing laws of the country, and sanctioned by them, will be respected.

All officers now serving the Government, and who may be able and willing to serve under the altered circumstances of the country, shall be entitled to retain their positions, and such rights as their positions now give them.

All *bonâ fide* concessions and contracts with Governments, companies, or individuals, by which the State is now bound, will be honourably maintained and respected, and the payment of the debts of the State must be provided for.

The appointments or licenses, in virtue of which attorneys, land surveyors, and others are entitled to practise their callings shall be respected in accordance with the terms and conditions of such appointments or licenses.

GOD SAVE THE QUEEN.

Given under my hand and seal at Pretoria, in the South African Republic, this twelfth day of April, in the year of our Lord one thousand eight hundred and seventy-seven.

T. SHEPSTONE,
Her Majesty's Special Commissioner.

By command of His Excellency,
M. OSBORN, Secretary.

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